

MONDAY

-- FEBRUARY 26, 2018 --

**REGULAR SESSION – 6:00 P.M.
OF THE ANAMOSA CITY COUNCIL
CITY HALL COUNCIL CHAMBERS
AGENDA**

PUBLIC NOTICE IS HEREBY GIVEN THAT THE CITY COUNCIL OF THE CITY OF ANAMOSA IOWA, WILL MEET AT THE CITY HALL COUNCIL CHAMBERS, ANAMOSA, IOWA, REGULAR SESSION AT 6:00 P.M. ON MONDAY THE 26th DAY OF FEBRUARY, 2018 TO CONSIDER THE MATTERS ENUMERATED IN THE AGENDA BELOW:

- 1.0) ROLL CALL**
- 2.0) MOTION TO APPROVE THE MINUTES FROM THE FOLLOWING MEETINGS:**
 - 2.1) February 12, 2018 – Regular Council Meeting**
- 3.0) PUBLIC HEARINGS: NONE**
- 4.0) PRESENTATION(S):**
 - 4.1) TAMMY DEARBORN – REGARDING PIT BULL PROHIBITION**
 - 4.2) JOHN M. ELY – REGARDING CHIEF SIMONSON’S EMPLOYMENT AND POSSIBLE ERROR MADE BY CITY ATTORNEY**
- 5.0) PROCLAMATIONS: NONE**

COUNCIL ACTION ITEMS

- 6.0) COMMUNITY BETTERMENT:**
 - 6.1) DISCUSSION AND POSSIBLE ACTION ON SECOND READING OF ORDINANCE AMENDING CHAPTER 55 OF THE CITY CODE (ANIMAL PROTECTION AND CONTROL) TO DROP BREED SPECIFIC PROHIBITION. ROLL VOTE. POSSIBLE WAIVER OF THIRD READING. ROLL VOTE.**
 - 6.2) DISCUSSION AND POSSIBLE ACTION ON RESOLUTION ESTABLISHING AND ADOPTING GUIDELINES FOR PUBLIC PARTICIPATION AT CITY COUNCIL MEETINGS. ROLL VOTE.**
 - 6.3) DISCUSSION AND POSSIBLE ACTION ON PROPOSED PRETREATMENT AGREEMENT BETWEEN THE ANAMOSA STATE PENITENTIARY AND THE CITY OF ANAMOSA.**
 - 6.4) DISCUSSION AND POSSIBLE ACTION ON SOLICITATION OF BIDS FOR DISCRIMINATION SENSITIVITY TRAINING FOR CITY OF ANAMOSA EMPLOYEES.**

7.0) PUBLIC SAFETY:

- 7.1) MOTION TO APPROVE THE RENEWAL OF BEER AND LIQUOR LICENSES:**
A.) RENEWAL OF CLASS E LIQUOR LICENSE, CLASS B WINE PERMIT AND CLASS C BEER PERMIT WITH SUNDAY SALES PRIVILEGES – WALMART STORE #646.
- 7.2) DISCUSSION AND POSSIBLE ACTION REGARDING THE IMPLEMENTATION OF FINES FOR FAILURE TO LICENSE DOGS WITHIN THE CITY OF ANAMOSA.**
- 7.3) DISCUSSION AND POSSIBLE ACTION ON DISCRIMINATION SETTLEMENT RELATING TO FOLLOW UP ON PERSONNEL MATTER ON THE FOLLOWING ITEMS:**
- SUMMARY TERMINATION OF CHIEF OF POLICE
 - SUSPENSION OF CHIEF OF POLICE
 - PROCESS FOR REVIEW/EVALUATION OF CHIEF OF POLICE'S EMPLOYMENT

8.0) PUBLIC WORKS: NONE

9.0) FINANCE:

- 9.1) DISCUSSION AND POSSIBLE ACTION ON PAY REQUEST NO. 4 AND NO. 5 TO CALACCI CONSTRUCTION IN THE RESPECTIVE AMOUNTS OF \$72,675.00 AND \$115,235.00 FOR THE WATER TREATMENT PLANT EXPANSION PROJECT.**
- 9.2) DISCUSSION AND POSSIBLE ACTION ON PAY REQUEST NO. 6 TO RICKLEFS EXCAVATING, LTD. IN THE AMOUNT OF \$41,325.00 FOR THE 2ND STREET LIFT STATION IMPROVEMENTS PROJECT.**
- 9.3) DISCUSSION AND POSSIBLE ACTION ON THE PAYMENT OF BILLS FOR THE MONTH OF FEBRUARY, 2018.**

10.0) CITY ADMINISTRATORS REPORT:

11.0) MAYOR AND COUNCIL REPORTS:

- 11.1) COUNCIL REPORTS ON BOARDS AND COMMISSIONS.**
- 12.0) PUBLIC WITH BUSINESS WITH THE COUNCIL ON ITEMS NOT ON THE AGENDA.**
- 13.0) ADJOURNMENT.**

THIS NOTICE IS HEREBY GIVEN AT LEAST 24 HOURS PRIOR TO THE COMMENCEMENT OF THE MEETING SPECIFIED ABOVE. THIS WAS DONE BY ADVISING THE NEWS MEDIA WHO HAVE FILED A REQUEST FOR NOTICE AND BY POSTING THE NOTICE ON THE FRONT DOOR IN THE LOBBY AREA IN CITY HALL THAT IS ACCESSIBLE TO THE PUBLIC. THIS WAS ALL PURSUANT TO CHAPTER 21 OF THE CODE OF IOWA.



Tammy Coons, Interim City Administrator



City of Anamosa

107 South Ford Street
Anamosa, Iowa 52205
Tammy Coons, City Clerk
(319)462-6055, Ext 302 Fax (319)462-6081
Email: tcoons@mchsi.com

February 22, 2018

TO: Mayor and City Council
FROM: Tammy Coons, City Clerk
RE: 2/26/18 Council Meeting Agenda

Agenda Item

Presentations

Tammy Dearborn, 600 N. Williams Street asked to address the Council regarding the Pit Bull prohibition and has submitted her request in writing. I had also received a written request from one other citizen and also several phone calls from other people regarding presenting or addressing the Council regarding this item and I have explained to them that any citizen that wishes to address the Council regarding this subject will be afforded the opportunity to address the Council when the agenda item is read and motioned on. These citizens indicated that they would do that.

John Ely, 301 N. Davis Street asked to address the Council regarding Chief Simonson's Employment and also a possible error made by City Attorney. His submitted documents are included.

Community Betterment

- 6.1) This item is to consider the 2nd reading of the proposed ordinance to drop the breed specific prohibition for Pit Bulls in Anamosa. As usual, I have listed the possible waiver of the 3rd reading if the Council would choose to do that. As you will see in your packet, I have included multiple communications from people expressing their thought on this subject, along with the two documents received from City Attorney, Adrian Knuth outlining the research that was provided to him relating to this subject.
- 6.2) I have drafted a proposed resolution regarding the adoption of guidelines for public participation at City Council meetings that I based off of the enclosed copy of the Anamosa School Board's policy. I have adapted this to basically follow what the Mayor and Council have been informally following over approximately the last two years. I only did this to create a good starting point. Please feel free to make any tweaks or changes before you make a motion to approve it.
- 6.3) This is to review and explain the proposed pre-treatment agreement between the Anamosa State Penitentiary and the City of Anamosa. Lindsay Beaman, Snyder & Associates; Pat Callahan; Dan Smith; and Bill Sperflage, Warden will be at the meeting to present, review and answer questions regarding the agreement. I have included the proposed agreement and copy of the slide presentation that Lindsay will be presenting.

Public Safety

- 7.1) Renewal of liquor license for Wal-Mart Store #646. All the paperwork is in order for our records, but according to the Manager at Wal-Mart the corporate office will be filing the final documents with Iowa ABD today. I told him that I would list on the agenda, but if the documents with Iowa ABD were not completed by Monday before the Council meeting the Council could not take any action on this renewal.
- 7.2) As directed, I have added an agenda item to discuss and possibly implement fines for citizens who fail to license their dogs in the City of Anamosa.

- 7.3) This item was placed on the agenda per direction from Adrian Knuth, City Attorney in response to direction given to him by the City Council at the February 12, 2018 Council meeting. Adrian will be present at the meeting.

Public Works None

Finance

- 9.1) This item is to approve both pay request no. 4 and no. 5 to Calacci Construction for the Water Plant Expansion project.
- 9.2) This item is to approve pay request no. 6 to Ricklefs Excavating for the 2nd Street Lift Station Project.
- 9.3) I have included a list of the bills for payment for the month of February, 2018.

Mayor and Council – Boards and Commission Reports

City Administrator Report

Updates:

1. Gregg Carpenter, Streets Superintendent has scheduled a City Wide Clean Up event for April 28th, 8 am to 3 pm this year. In my discussions with him he is recommending that we only hold one of these events this year as the utilization by the citizens for these events has dwindled since the start. I will be placing an ad in the Journal for two consecutive weeks prior to the event and will include a notice for the public that there will only be one event this year.
2. Tom Durgin has been working with the owner of 116 E. Main Street the old “Nickelodeon” and they will be “gutting” the upstairs in that building, the next step to renovate that part of the building. He has requested and I have given him permission to place a dumpster in the two parking spots directly in front of that building. He expects this to take no longer than a week. He will notify me when he will be starting next week. I explained to him that it is very important to keep this moving as quickly and efficiently as possible to make sure that it is completed in that week and ideally sooner. I have contacted the two business owners on each side of that building and explained the situation. I left a message with one business owner, no response yet and the other business owner expressed support in this as long as the area on Main Street and in front of her building is kept clean. I see this as a continued step in the right direction to keep “our” Main Street attractive and viable.
3. Just for future consideration, please keep in mind that the repair/replacement of the sidewalk on Walworth along the School’s property still needs to be addressed. As we know, the camering of the storm sewer indicated that this issue with sidewalk was not caused by City infrastructure, but if the sidewalk itself is not repaired the run off may cause damage to the street itself.

Thank you all and I hope you have a great weekend!

The City Council of the City of Anamosa met in Regular Session this February 12, 2018 in the Council Chambers at City Hall at 6:00 p.m. with Rich Crump, Kay Smith, John Machart, Rod Smith, Cody Shaffer and Betty Weimer present. Absent: None. Mayor Dale Barnes presided. Also present were Tammy Coons, Interim City Administrator/City Clerk; Dan Smith, Wastewater Superintendent; Rebecca Vernon, Library Director; Tyler Laing, Parks & Recreation Director; Bob Simonson, Police Chief, Travis McNally, Police Sergeant and Adrian Knuth, City Attorney. Guests Present Addressing the Council: Brian Darrow, Anamosa Veterinary Clinic; Chris Collins, 507 E. 1st St.; Randy Williams, MMS Consultants; Tom & Kim Durgin, 110 E. Main St.; Doug & KC Wortman, 106 E. Main St.; Mike Dearborn, 405 N. Division; John Broderson, 104 E. Main St.; Tammy Seeley, 117 N. Ford St.; Crystal Wherry, 207 S. Jones St.; and Randy Day, 304 S. Oak 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 Weimer, second by Shaffer to approve the minutes from the January 22, 2018 Regular Council meeting. All Ayes. Motion Carried.

PUBLIC HEARING: NONE

Presentations

Brian Darrow, DVM, Anamosa Veterinary Clinic addressed the Council stating that he has known for several years that he should address the City Council on the current Pit Bull ban in the City of Anamosa. He first off wanted to preface this with the statement that a lot of dogs will bite and that in his business he assumes every dog will bite, until proven otherwise. He stated that there are responsible pet owners and irresponsible pet owners. Brian said that he was on the City Council years ago when this ordinance was enacted, but since that time the Pit Bull situation has changed. The Pit Bull breed is a very widespread breed in this country. He stated that singling out one particular breed is not good. He also stated that it would be very hard to defend. Brian stated that there are passionate people on both sides of this issue, but there are responsible people who want to own a Pit Bull. He stated that he believes the City of Anamosa needs to repeal this ordinance. Discussion followed on how this current ordinance came about. Adrian Knuth stated that he thought it was part of the overall ordinance codification and Brian stated that that's what was being done at that time. Brian also indicated that a few years ago communities started overturning these ordinances. He stated that from his own experience it can be very hard to determine just by looking at a dog if it has Pit Bull or is predominately Pit Bull. Brian was asked, in his opinion if Pit Bulls were more dangerous than any other breed and if he thought breed specific legislation works. Brian's answer to both questions were no. A member of the public present passed around pictures of multiple dogs that were half Pit Bull to illustrate how hard it is to tell by seeing the dog if it is predominately Pit Bull. Brian agreed and stated that the vicious or aggressive dog ordinance is the best way to address situations. Discussion followed on some statistics regarding other factors involved in dog bite incidents.

COMMUNITY BETTERMENT:

Ordinance Amending Chapter 55 of the City Code (Animal Protection and Control) to Drop Breed Specific Prohibition

Motion by Weimer, second by Crump to approve the **First Reading of Ordinance** Amending Chapter 55 of the City Code (Animal Protection and Control) to Drop Breed Specific Prohibition. Weimer suggested implementing a process to fine dog owners for not licensing their dogs. Adrian indicated that it could be processed as a simple misdemeanor for \$65 or as a municipal infraction which is up to \$750. Weimer asked how that would be determined. Adrian stated that we would have to get direction from the Council. Chris Collins, 507 E. 1st St. distributed a petition with 51 signatures, 47 of which are from Anamosa residents to remove the Pit Bull prohibition. He stated that he had spoken to multiple Humane Societies and they would be willing to register the dogs at the time adoption. Chris stated that he feels that requiring the dog owner to prove the breed by genetics testing violates due process. Adrian

stated that the issue is debatable. Chris also stated that landlords can deny Pit Bulls, as long as the dog is not an emotional support or service dog. Chris cited the court case "Warren v. Del Vista Towers Condos" from 2015 (Florida) regarding emotional support dogs. Adrian stated that there is no legislation regarding emotional support dogs only on service dogs. Chris clarified that his information is regarding housing issues only. Rod Smith asked for clarification on the ordinance being considered and the result of voting yes or no. John Gorason addressed the Council asking for clarification on how this affects family or visitors bringing their dogs during a visit to Anamosa. Weimer clarified that she was only addressing dogs that belonged to residents here in Anamosa to be licensed. Roll Vote. 1- Nay, Rod Smith. All Remaining Ayes. Motion Carried.

Waiver to Subdivision Regulations Sections 166.07 – 166.12 for Plat of Survey Parcels 2018-13 and 2018-14

Tammy Coons, Interim City Administrator reviewed the background of the property and reason for the need for the waiver. Motion by Shaffer, second by Crump to grant a waiver to Subdivision Regulations Sections 166.07 – 166.12 for Plat of Survey, Parcels 2018-13 and 2018-14 as recommended by the Planning and Zoning Commission. Crump questioned the need for an easement for the fire hydrant located on the property. Randy Williams, MMS Consultants addressed the Council stating that this easement could be added before recording the plat. Discussion followed. All Ayes. Motion Carried.

Electric Line Easement for Interstate Power and Light Company from the City of Anamosa

Tammy reviewed the location of the proposed easement and stated that the City staff had reviewed the area to determine if there were any city utilities located in that area. There were none identified in that area, but there was a water line just to the east of that area, but this would be identified during the locate process. Motion by Shaffer, second by Machart to approve the Electric Line Easement to Interstate Power and Light Company by the City of Anamosa. All Ayes. Motion Carried.

Follow Up and Update on Previous Nuisance at 106 E. Main Street

Travis McNally, Police Sergeant addressed the Council that per the direction given at the 11/13/17 Council meeting this item is up for review and status update. Travis stated he did complete an inspection of both buildings and the smoke smell is substantially less. He invited both parties to comment, Wortmans and Durgns. Discussion followed. It was suggested and generally agreed upon by all involved parties that a follow up be done again the first Council meeting in June.

Motion by Shaffer, second by Crump to revisit the nuisance complaint at the first meeting in June, 2018 (6/11/18) to determine if the goal of no remaining smoke smell has been met. All Ayes. Motion Carried.

PUBLIC SAFETY:

Beer and Liquor Licenses

Motion by Rod Smith, second by Shaffer to approve the renewal of Class C Beer Permit with Sunday Sales Privileges for Tapken's Convenience Plus. All Ayes. Motion Carried.

PUBLIC WORKS: NONE

FINANCE:

Resolution Setting the Date for Public Hearing on the Proposed Annual Budget for Fiscal Year Ending June 30, 2019

Motion by Shaffer, second by Rod Smith to approve **Resolution 2018-02** Setting the Date for Public Hearing on the Proposed Annual Budget for Fiscal Year Ending June 30, 2019. Roll Vote. All Ayes. Motion Carried.

Resolution Approving the Hiring and Setting Salaries of Part Time Employees for the Lawrence Community Center for Fiscal Year Ending June 30, 2018

Motion by Weimer, second by Crump to approve **Resolution 2018-03** Approving the Hiring and Setting Salaries of Part Time Employees for the Lawrence Community Center for Fiscal Year Ending June 30, 2018. Roll Vote. All Ayes. Motion Carried.

Purchase Option Price on 2017 Endloader and Required Notification

Motion by Crump, second by Shaffer to approve the purchase option price on the 2017 endloader finance contract in the amount of \$101,918.27 and authorize the Interim City Administrator to sign and send the required notification. All Ayes. Motion Carried.

CITY ADMINISTRATOR'S REPORT:

Tammy Coons updated the Council on the recent snow emergency event that began on February 8th. She explained that due to the wording in the notice that was placed with all local media stations and also on the City website, there was confusion by both the public and the media stations on the actual ending day and time of the snow emergency. Tammy stated that she had spoken to Chief Simonson on Saturday morning, February 10th when she became aware of the confusion and directed Chief Simonson to discontinue writing any snow emergency tickets from that point forward. She also stated to Chief Simonson that it would be at his discretion as to enforce or waive the tickets given after midnight on Friday, February 9th. Tammy stated that for future snow emergencies the midnight or noon times would not be used. The Council asked Chief Simonson how many tickets had been written after midnight on Friday and Simonson stated that there were 55 written. Chief Simonson asked for the Council's input regarding those tickets. Mayor Barnes asked that all those 55 tickets be voided.

MAYOR AND COUNCIL:

John Machart, Landfill – reported that they are still arguing with the land owner that violated their agreement.

John Machart, EMA/E911 – reported that EMA has a practice event scheduled in Cedar County. He also reported that E911 is working on updating both the Amber and Olin towers.

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

Mike Dearborn, 405 N. Division St. addressed the Council asking what the Council expects merchants and customers to do for parking during a snow emergency. He suggested that the City parking lots be cleared, at least partially so people have somewhere to park. Mike also questioned the City's current snow plowing process using tandem plowing. He then questioned the speed of the plowing on Main Street as that higher speed causing the snow being pushed all the way up against the Main Street businesses. Mike stated that the streets are not even being plowed from curb to curb.

John Broderson, 104 E. Main St. questioned if a skid loader should be used in the downtown area to pile the snow and also on other streets like Ford Street.

Doug Wortman, 106 E. Main St. stated that he noticed that the City of Monticello does not seem to have these snow plowing issues. Discussion followed.

Tammy Seeley, 117 N. Ford St. addressed the referencing the recent \$750,000 lawsuit that was settled for the City of Anamosa & Police Chief Bob Simonson and the continued employment of the Police Chief. She stated that the City has an obligation to provide a workplace that is free of harassment and discrimination. Tammy asked what the City's process was once the discrimination action was brought to the attention of the City. Adrian Knuth, City Attorney stated that a complaint was filed by Officer Ford with then City Administrator, Alan Johnson who met with Officer Ford and issued a summary report. He stated Officer Ford then chose to file a complaint with the Civil Rights Commission, who then issued a right to sue letter, from which Officer Ford then filed suit. Adrian stated that from the time of the complaint being filed with the Civil Rights Commission the matter was handled by the City's insurer, EMC Insurance and their primary counsel was Matt Novak from Cedar Rapids. The City's insurer was responsible for defending the City in both the Civil Rights complaint and the litigation that

followed. Tammy asked if the City had something in writing a policy to follow once these allegations are made.

Adrian said that as part of the personnel policy, if you believe there is discrimination it is brought to the attention of the supervisor and ultimately the City Administrator or in absence of the City Administrator the Mayor and then ultimately the Council if it goes beyond that point. Tammy then asked if placing an employee on non-disciplinary administrative leave would allow time to have a full and fair investigation and asked if anyone was placed on administrative leave during this investigation. Adrian stated no there wasn't and it wasn't as if the City was going to take on an independent investigation when the City pays premiums for the insurance and also for the very capable defense. Discussion followed on when the first complaint was made and when the complaint was filed with the Civil Rights Commission. Tammy then questioned again the City's policy on how a complaint is handled and what steps are followed. Adrian stated that the City has a contractual obligation with the insurer to provide them notice when a complaint is filed with the Civil Rights Commission and there is a potential of litigation. Tammy then confirmed that of the \$750,000 settlement, \$50,000 was paid by the City. She asked where that payment comes from. Adrian stated and Tammy Coons confirmed that it was paid out of the General Fund. Tammy asked who the Police Chief's supervisor was. Adrian stated that in the hierarchy the department heads report to the City Administrator and in the absence of the Administrator it would be the Mayor. Tammy then asked if evaluations are done on the Chief of Police and if so how often are they done. Adrian stated that if he understands the contract for the Chief of Police, evaluations are to be done annually by the Administrator and then in some fashion the City Administrator reports the results of the evaluation to the Council. Tammy then questioned the information that she read that indicated that this situation was identified over a period of time back to 2010 with a complaint to the sergeant. Tammy questioned how this information related to the evaluations. Adrian stated that he did not know if the Administrator was made aware of the complaint to the sergeant. Adrian stated that when a complaint was filed with previous City Administrator Alan Johnson, who met with Officer Ford and then issued a summary report and Alan did not find it to be a gender discrimination issue, but possibly more of a personality conflict. Tammy stated that someone thought it was a discrimination to pay a lawsuit for \$750,000. Adrian stated that there was no admission of liability and that decision was made by EMC Insurance and it was not something that the Council was consulted on or even he was consulted on. He stated he wasn't even sure if the defense counsel hired by EMC was even consulted on prior to the mediation session. Adrian stated that EMC made that decision based on the facts as they perceived them and the political and social climate of the times. This was December 2017 and it was nearly a "perfect storm" if you had a gender discrimination case. Adrian stated there are always a lot of factors that play into these type claims. Tammy asked if the Council had input on the suit and Adrian stated that the City's input was to commit up to \$50,000 if the case could be settled. He also stated that the parameters of the settlement were left in the capable hands of the insurer. Tammy questioned how the settlement would affect the City's insurance rates. Adrian stated that he did not know and that no discussions had been held regarding that with any representative of EMC. Tammy then expressed her concerns relating to the public image of the City and that she hopes that we hold the City officials accountable for their actions and teach our children and community members that we hold our City officials to a higher standard and that we employ people who have a higher integrity.

Crystal Wherry, 207 S. Jones St. addressed the Council expressing concern that the City swept a lot of that under the rug. She didn't feel that the officer's concerns were addressed and that \$50,000 could buy a lot of ballistic vests, like the one not provided to Officer Ford. Crystal expressed concern that Amy was being dismissed. Adrian clarified that he was only reciting the facts and not expressing any side on the issue. Discussion followed between Adrian and Crystal with Crystal asking that an admission be made that there was some sort of wrong doing and that the City was aware of it. Discussion followed on the timing of the initial complaint filing with the City and the complaint being filed with the Civil Rights Commission. Crystal asked what the plan would be moving forward and if there would a policy put into place. Adrian stated he did not know, but it would be a Council decision to review the personnel policies and do an evaluation of the Police Chief. Discussion followed on when the Police Chief's last evaluation was and what was listed in the Chief's employment contract. Crystal states that this information needs to be known. Crystal then went on to say how Officer Ford saved her son's life and

she tried to make a donation for safety equipment and training, specifically the training that Officer Ford had received for

being able to save her son's life and also to replace an expired vest for Officer Ford. She was told that a donation would go to the General Fund. She asked again what the Council was going to do moving forward. Adrian stated before the Council takes any action, he would like to review the Chief's employment contract to make sure that whatever action the Council takes, be within the letter of that contract. Discussion followed. Tammy Coons was directed to send a copy of the contract and personnel policies to City Attorney, Adrian Knuth and all Council members. Crystal asked if the public could be informed of when the last evaluation had been done on the Chief of Police and when the next was completed. Adrian stated that after review of the contract he would send out a memo to the Council and City Clerk identifying when and under what circumstances the evaluation could be implemented and the process to address it. Adrian said there will be a lot of documents to review. There may be some complications regarding what is available to us as there are two defendants' named in the case, the City and Chief Simonson. Adrian went on to suggest there may be a couple different ways to address this, one way being a committee. More discussion followed on the setting of the review such as a closed or open session per the Iowa Code.

Randy Day, 304 S. Oak St. reviewed emails from the court file on the case sent by Chief Simonson to a number of his subordinates. He gave the titles of the emails: "Jenny Craig for Men" "Do you remember the hoola hoop?", "Chinese Wedding Night" "Afternoon Sex" "Who Knew". Randy stated that the council needs to assess the behavior. He said he would appreciate it if the Council did the homework and get the facts.

Tammy Seeley asked the Council how long the Chief is under contract right now. Adrian and the Council did not know exactly. Tammy then asked if the City has an employee handbook and if the City employees get one and the last time the handbook was updated. Tammy Coons, stated that yes there is a personnel policy that all employees receive and it has been updated as policies and issues come up and she has not seen it reviewed and updated as a whole. Tammy Seeley asked if the handbook addressed harassment and discrimination, use of city equipment, electronic devices, text messages and emails. Tammy Coons stated that the handbook has sexual harassment defined and stated that city equipment cannot be used for personal use. Tammy Seeley asked about ethics and code of conduct. Tammy Coons stated yes that is addressed in the handbook. Tammy Seeley suggested that the handbook be reviewed completely.

Chris Collins addressed the Council stating he disagreed with the attorney representing the City to dismiss this young lady right here as this being a "perfect storm" as an excuse.

Crystal Wherry addressed the Council and explained why she felt the City was dismissive of the case. While she was out for a birthday party one night, she was at one of the bars down town and the Chief of Police walked into the bar. Crystal stated that she taken the change from one of the bartenders and put it in her bra strap as women sometimes do and the Chief walked up to her and says "What are you doing right there? And then he reaches for my shirt. Crystal said that this was absolutely not appropriate.

Adjournment

Motion by Shaffer, second by Rod Smith to adjourn at 7:43 p.m. All Ayes. Motion Carried.

Dale Barnes, Mayor

ATTEST:

Tammy Coons, City Clerk

2-21-18

I would like to be
placed on the
February 26, 2018
Council agenda

I would like to speak
regarding the pit bull terrier
breed prohibition in the
City of Anamosa

Tammy Dearborn
Tammy Dearborn
600 N. Williams St
Anamosa

22 FEB 2018

TO : TAMMY COONS, ANAMOSA CITY CLERK
FROM : JOHN M. ELY, 301 N. DAVIS ST, ANAMOSA

Hi TAMMY :

I WOULD LIKE TO ADDRESS THE
CITY COUNCIL ON TWO ISSUES AT
THE NEXT REGULAR MEETING :

- (1) CHIEF SIMONSON'S EMPLOYMENT
- (2) POSSIBLE MAJOR ERROR MADE BY
OUR CITY ATTORNEY.

ENCLOSED ARE THE FOLLOWING
MATERIALS I ASK BE GIVEN COUNCIL
MEMBERS AND PLACED IN THE "BOOK".

- (1) STATE AUDITORS REPORT
- (2) DISTRICT COURT DOCUMENT FILED ON
~~BE~~ BEHALF OF AMY FORD
- (3) TWO PAGES DOCUMENTING THE
REFUSAL OF A RESTRICTED
DELIVERY LETTER BY ROBERT
SIMONSON.

THANK YOU.

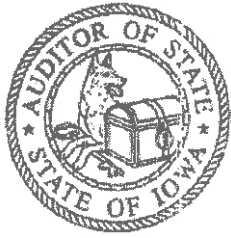
John M. Ely (462-2149)
WWW.ANAMOSA.NET

**SPECIAL INVESTIGATION OF THE
BEAR CREEK NARCOTICS TASK FORCE**

JULY 1, 2003 THROUGH NOVEMBER 30, 2006

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**OFFICE OF AUDITOR OF STATE
STATE OF IOWA**

David A. Vaudt, CPA
Auditor of State

State Capitol Building
Des Moines, Iowa 50319-0004

Telephone (515) 281-5834 Facsimile (515) 242-6134

Auditor of State's Report

To the Members of the
Bear Creek Narcotics Task Force:

As a result of concerns identified by and at the request of Task Force officials, we conducted a special investigation of certain transactions of the Bear Creek Narcotics Task Force. We have applied certain tests and procedures to cash balances and selected financial transactions of the Bear Creek Narcotics Task Force for the period July 1, 2003 through November 30, 2006. Based on a review of relevant information and discussions with Task Force officials and personnel, we performed the following procedures.

- (1) Reviewed the Task Force's internal controls at the off-site location in Jackson County to determine whether adequate policies and procedures were in place.
- (2) Reviewed activity recorded in the 4 Confidential Funds Ledgers maintained by the Task Force's Confidential Funds Coordinator. We also examined documentation in case files to support disbursements made with Confidential Funds to purchase narcotics and make payments to confidential informants.
- (3) Confirmed payments made to the Task Force and traced the payments to deposit or posting of various grant and program proceeds from the State of Iowa and reviewed deposits from defendants for forfeitures made through the participating counties' Clerks of Court.
- (4) Reviewed activity in the checking accounts maintained by the Task Force's Confidential Funds Coordinator for the Forfeiture Account and the Evidence Clearing Account. We also examined supporting documentation retained by the Task Force for certain disbursements from the Forfeiture Account.
- (5) Reviewed procedures for safeguarding property seized in Jackson County, such as weapons, cash, vehicles and controlled substances.
- (6) Reviewed Monthly Status Reports submitted to the Department of Narcotics Enforcement for funds used to buy narcotics.
- (7) Examined documentation in the case files to support payments made by the Division of Narcotics Enforcement on behalf of the Task Force.
- (8) Examined case files for which the Task Force's Confidential Funds Coordinator was the investigator but for which confidential funds were not used.
- (9) Reviewed several Task Force Reviews of Confidential Funds expenditures conducted by the Governor's Office of Drug Control Policy.

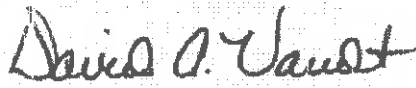
These procedures identified \$715.00 of missing Confidential Funds. We were unable to determine the disposition of the cash because of the lack of controls over the cash. Several

additional internal control weaknesses were also identified. Our detailed findings and recommendations are presented in the Investigative Summary.

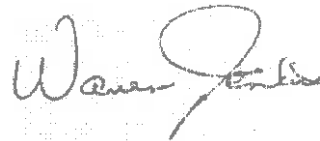
The procedures described above do not constitute an audit of financial statements conducted in accordance with U. S. generally accepted auditing standards. Had we performed additional procedures, or had we performed an audit of financial statements of the Bear Creek Narcotics Task Force, other matters might have come to our attention that would have been reported to you.

Copies of this report have been filed with the Governor's Office of Drug Control Policy, the Jackson County Attorney's Office, the Division of Criminal Investigation and the Attorney General's Office.

We would like to acknowledge the assistance and many courtesies extended to us by the officials and personnel of the Bear Creek Narcotics Task Force and the Division of Criminal Investigation during the course of our investigation.



DAVID A. VAUDT, CPA
Auditor of State



WARREN G. JENKINS, CPA
Chief Deputy Auditor of State

March 30, 2007

Bear Creek Narcotics Task Force
Investigative Summary

Background Information

The Bear Creek Narcotics Task Force was formed pursuant to Chapter 28E of the *Code of Iowa* among various law enforcement agencies in Jackson, Jones and Cedar Counties to provide mutual assistance in enforcing the drug laws of the State of Iowa and eradicating the drug problem in Jackson, Jones and Cedar Counties. The City of Maquoketa Police Department is a member of the Task Force.

Task Force activities include information and intelligence gathering and dissemination; identification, arrest and prosecution of drug offenders; coordination and assistance to law enforcement agencies; conducting surveillance; obtaining and executing search and arrest warrants and conducting undercover drug purchases.

Members of the Task Force have Confidential Funds on hand to make undercover drug purchases and pay confidential informants (CIs) for information used to investigate and/or prosecute drug cases. The Confidential Funds are cash which originated from the Edward Byrne Memorial State and Local Enforcement Assistance Formula Grant Program awarded to the Task Force through the Governor's Office of Drug Control Policy (ODCP).

Narcotics are also purchased with monies received through the Division of Narcotics Enforcement (DNE) within the Department of Public Safety. These funds are kept in the custody of DNE and are used when the Task Force works in conjunction with DNE on a narcotics case.

Robert Simonson became an Officer of the City of Maquoketa Police Department on April 1, 1988. On October 1, 2003, he also became an investigator for the Bear Creek Narcotics Task Force. He eventually assumed the duties as the Task Force Coordinator for the Jackson County area and became the Confidential Funds Coordinator for the Task Force.

As a Task Force investigator and coordinator for Jackson County, Officer Simonson had custody of the Task Force's Confidential Funds to be used in Jackson County. The cash was held in a safe. As the Task Force Confidential Funds Coordinator (CFC), he was also responsible for maintaining a Confidential Funds Ledger for the cash held by each of the 4 Task Force investigators. The CFC also prepared monthly reports of the Task Force's narcotics purchases for DNE. In addition, the CFC maintained the Forfeiture and Evidence Clearing checking accounts for the Jackson County area.

In November 2006, a discrepancy was identified between the amount of cash held by the CFC and the amount recorded on the ledger for the Jackson County area. The events in November are summarized as follows.

- On November 13, 2006, the Director for the Bear Creek Task Force was notified by the CFC approximately \$840.00 of Confidential Funds were missing from the safe in the Jackson County off-site location.
- On November 14, 2006, both the Director and CFC searched the safe and office area and were unable to locate the missing cash. The Director also counted the cash on hand to verify the discrepancy.

- On November 27, 2006, the CFC notified the Director he had found the money. The CFC later admitted he had replaced the money with his personal funds. When the Director asked why he had replaced the money, the CFC responded he felt responsible for the missing money since he was in charge of it.
- On November 29, 2006, the CFC was put on paid leave by the Maquoketa Police Department, pending an investigation by the Division of Criminal Investigation (DCI).
- On November 30, 2006, an agent of the DCI counted the cash on hand at the Jackson County location and met with the CFC.
- On December 4, 2006, an agent of the DCI questioned the CFC and a polygraph test was administered. The CFC was asked if he took the money or if he knew where the money was. After determining the CFC passed the polygraph test, he was reinstated to his duties as a Maquoketa Police Officer and his personal funds were returned.
- The CFC's duties have been temporarily assumed by the Director of the Task Force.

As a result of the concern identified, in late January 2007 Task Force officials requested the Office of Auditor of State conduct an investigation of certain financial transactions and cash balances of the Bear Creek Narcotics Task Force. We performed the procedures detailed in the Auditor of State's Report for the period July 1, 2003 through November 30, 2006.

Detailed Findings

These procedures identified \$715.00 of missing cash. We were unable to determine the disposition of the missing cash because of the lack of controls over the cash. Detailed explanations of our findings are below.

Confidential Funds – Confidential Funds consist of cash and are used by Task Force participants for drug buys and payments to confidential informants. Within the Task Force, 4 investigators representing various law enforcement agencies are responsible for the maintenance of the cash Confidential Funds assigned to them.

The CFC, who is also a Task Force investigator, is responsible for maintaining a Confidential Funds Ledger for the cash held by each of the 4 Task Force investigators. The balance of each of the ledgers should agree with the Confidential Funds cash held by each investigator. Each investigator is responsible for the custody of the Confidential Funds assigned to him.

According to the CFC, he verified the amount of cash held by each investigator in February or March 2006 and confirmed the amount held agreed with the amounts recorded in each respective Confidential Funds Ledger. However, the CFC's verification was not documented or reviewed by an independent party.

The cash for Jackson County was kept in a safe at the off-site location. **Table 1** summarizes the activity for the Confidential Funds held by the CFC for the Jackson County area based on our review of the case files. The **Table** compares the calculated balance to the cash on hand counted by the DCI agent on November 30, 2006. The cash on hand does not include the \$840 replaced by the CFC. As illustrated by the **Table**, the cash on hand was \$715 less than the amount to be accounted for, rather than the \$840 estimated by the CFC.

Table 1

Date	Funds Spent				Balance
	Funds Received	Narcotics Evidence	CI Payments	Transferred to Other Investigators	
07/01/03	\$ -	-	-	-	1,195.00
06/24/04	-	-	-	(600.00)	595.00
07/14/04	800.00	-	-	-	1,395.00
12/02/04	-	-	-	(500.00)	895.00
12/13/04	-	(100.00)	-	-	795.00
03/23/05	1,053.00	-	-	-	1,848.00
04/22/05	-	(20.00)	-	-	1,828.00
07/14/05	-	-	-	(200.00)	1,628.00
08/12/05	-	-	-	(400.00)	1,228.00
09/07/05	400.00	-	-	-	1,628.00
11/23/05	860.00	-	-	-	2,488.00
12/29/05	-	-	-	(100.00)	2,388.00
03/06/06	-	(150.00)	-	-	2,238.00
05/27/06	-	(320.00)	-	-	1,918.00
09/13/06	-	(10.00)	-	-	1,908.00
11/03/06	-	(45.00)	-	-	1,863.00
11/27/06	-	-	(10.00)	-	1,853.00
Less: Cash on Hand at 11/30/06 *					1,138.00
Funds missing					\$ (715.00)

* - Excluding cash returned to CFC.

Confidential Fund Receipts – The amounts recorded on the Confidential Funds Ledgers as “funds received” are disbursements to the Task Force from the Governor’s Office of Drug Control Policy and transfers among the Confidential Funds held by the 4 investigators. We reviewed the amounts received into the Confidential Funds and did not identify any irregularities.

Confidential Fund Disbursements – According to the officials we spoke with, all withdrawals from the Bear Creek Narcotics Task Force Drug Fund are to be supported by 1 or more of the following documents in the appropriate case file.

- Statement of Expenditure of Funds by Officer – lists the amount of funds expended, individual from whom narcotics were purchased, case number, date purchased and list of evidence purchased. This form also includes a signature of the officer and the person who reviewed the form. A copy is included in **Appendix A**.
- Documentation of Currency for Purchases of Evidence - lists the currency denomination, serial number, series number, case number, signature of investigator recording the currency and a witness, and date and time serialized. The form also indicates if the currency is expended and what currency was brought back. A copy is included in **Appendix B**.

- Receipt For Official Undercover Funds For Purchase of Evidence - used to document the CI has received a payment to purchase narcotics evidence, the date received, the officer from whom the payment is received and signature of the CI. A copy is included in **Appendix C**.
- Confidential Informant Statement - used to document statement of the CI. A copy is included in **Appendix D**.
- Confidential Informant Payment Form - used to document payment to CI. A copy is included in **Appendix E**.

During our investigation we determined the Bear Creek Narcotics Task Force keeps a case database which includes several pieces of information about drug cases, including the use of drug buy monies (Confidential Funds) and payments to CIs. According to Maquoketa Police Department and Task Force personnel, the CFC and the Jackson County Criminal Secretary updated the case database. The database is also used to prepare monthly reports submitted to the DNE.

Information for the database is compiled from a log. According to the CFC and other personnel we spoke with, the case number log is completed by the dispatchers in Jackson County. When an investigator has a drug buy planned, they call the dispatcher for a case number. This ensures case numbers are consecutive. The dispatcher records the date of the disbursement, defendant(s), date of birth, type of incident such as delivery or possession, funds (amount spent for drug purchase), designation if the buy money is from the confidential funds or provided by DNE, drug weight, CI number and how much the CI was paid.

While the case number log may be used by the Criminal Secretary to update the case database, the CFC was ultimately responsible for the database and ensuring it was supported by the actual case file. During our investigation, we determined the case number log was not always filled out completely because the dispatcher would not always receive all of the information from the investigator at the time the call was made to them. During testing, we could not locate case number log sheets which included 16 drug cases. In addition, there were 2 case numbers included on the case database which were not on the case number log.

Based on our review of the case files, we also determined a \$170.00 disbursement was recorded on the case database which was not included on the ledger the CFC maintained. The \$170.00 included a drug buy for \$160.00 and a \$10.00 CI payment. In addition, there was a drug buy recorded as a \$30.00 disbursement on the ledger. However, it was recorded in the case database as a \$10.00 disbursement. **Appendix F** includes a copy of the Investigator Disbursed Funds (Confidential Funds) ledger for cash held by the CFC.

During our fieldwork, we reviewed each of the 115 case files for which the CFC was the investigator. Of the 115 case files, 6 files could not be tested because they were not located at the Jackson County location. We also tested 14 additional files assigned to an investigator other than the CFC but for which Confidential Funds were used. Of the 14 files tested, 2 could not be tested because they were not located at the Jackson County location. As a result of our testing of the case files, we identified the following:

- 4 case files contain "Documentation of Currency for Purposes of Evidence" that did not have evidence the currency was not expended.
- 3 case files contain "Documentation of Currency for Purposes of Evidence" that did not have "reviewed by" or "witnessed by" signatures.

During our investigation, we observed the combination to the safe in the Bear Creek Narcotics Task Force files. Several individuals had keys to the off-site location and the file cabinets were not locked.

SEIZED PROPERTY - Chapter 809A of the *Code of Iowa* allows a peace officer to seize property as a result of an act or omission which is a public offense and which is a serious aggravated misdemeanor or felony. Property that may be seized by a peace officer includes, but is not limited to, controlled substances and proceeds, weapons or vehicles possessed, used or available for use in any manner to facilitate conduct giving rise to forfeiture.

Section 809A.17(5) of the *Code of Iowa* states "Forfeited property which is a weapon or ammunition shall be deposited with the department of public safety to be disposed of in accordance with the rules of the department. All weapons or ammunition may be held for use in law enforcement, testing, or comparison by the criminalistics laboratory, or destroyed. Ammunition and firearms which are not illegal and are not offensive weapons as defined by section 724.1 may be sold by the department."

In accordance with section 124.506(1) of the *Code of Iowa*, "a record of the place where controlled substances were seized, of the kinds and quantities of controlled substances so destroyed, and of the time, place, and manner of destruction, shall be kept, and a return under oath, reporting said destruction, shall be made to the court and to the bureau by the officer who destroys them."

Based on our discussions with Officer Simonson, the evidence room used by the Maquoketa Police Department needs to be organized and plans have been made to work with the County Attorney to identify which evidence can be disposed of.

Recommended Control Procedures

As part of our investigation, we reviewed the procedures used by the Bear Creek Narcotics Task Force to process receipts and disbursements. An important aspect of internal control is to establish procedures that provide accountability for assets susceptible to loss from error and irregularities. These procedures provide the actions of one individual will act as a check on those of another and provide a level of assurance errors or irregularities will be noted within a reasonable time during the course of normal operations. Based on our findings and observations detailed below, the following recommendations are made to further strengthen the Task Force's internal controls.

- A. **Segregation of Duties** - Separate Confidential Funds are held by investigators of the Task Force. The Confidential Funds, held as cash, are used for drug buys and CI payments in local investigations related to narcotics and controlled substance trafficking.

During the period of our review, the CFC, who was also an investigator, had custody of the Confidential Funds for the Jackson County area and maintained the Confidential Funds Ledgers for the cash he held and cash held by the other 3 investigators. The CFC also collected, deposited, had custody of and recorded activity for the Forfeiture and Evidence Clearing checking accounts.

During our review, we determined periodic cash counts were not performed by an independent party and reconciled to amounts recorded.

Recommendation - Task Force officials should implement procedures to properly segregate duties for the Confidential Funds and the Forfeiture and Evidence Clearing checking accounts. The individual responsible for the custody of the Confidential Funds and checking accounts should not also have responsibility for recording the related transactions.

Amounts recorded for the Confidential Funds and the checking accounts should periodically be reconciled to the cash on hand by an independent party. The independent party should also review supporting documentation to ensure the required forms are used and adequately completed.

In addition, procedures should be implemented to ensure proper supporting documentation is maintained for all transactions.

- B. Disbursements - Disbursements from the Confidential Funds for drug buys and CI payments are to be supported by standardized forms to be completed by the responsible Officer. During our review, we identified disbursements of Confidential Funds were not supported by forms or the forms were not completed in a consistent manner.

We also identified disbursements from the Forfeiture checking account not supported by appropriate documentation. In addition, checks from the account contained dual signatures; however, blank checks were signed. Also, unused checks were not properly safeguarded and voided checks were not properly retained.

Recommendation - The Task Force should consistently complete withdrawal forms when investigative cash is removed from the Confidential Funds. Also, Forfeiture checking account disbursements should be supported by an invoice or other supporting documentation. Officials of the Task Force should avoid signing checks in advance and ensure supplies of unused checks are properly safeguarded. All voided checks should be maintained for proper accounting for all checks.

- C. Property and Evidence - Each law enforcement agency participating in the Task Force is responsible for evidence seized. The Maquoketa Police Department Property and Evidence room holds seized property and illegal narcotics for the Jackson County area of the Task Force.

According to the investigator for the Jackson County area, the evidence kept at the Maquoketa Police Department needs to be organized and plans have been made to facilitate the disposal of evidence no longer required to be held.


Recommendation - Procedures should be implemented to provide for the proper, organized storage of evidence and the timely disposal of the evidence upon receipt of appropriate court order.

Bear Creek Narcotics Task Force

Staff

This special investigation was performed by:

Annette K. Campbell, CPA, Director
Billie Jo Heth, Senior Auditor
Matt Ritchey, Assistant Auditor


Tamera S. Kusian, CPA
Deputy Auditor of State

**Special Investigation of the
Bear Creek Narcotics Task Force**

Appendices

Bear Creek Narcotics Task Force
Statement of Expenditure of Funds by Officer

STATEMENT OF EXPENDITURE OF FUNDS BY OFFICER

Date: _____
Or _____ at or about _____
I expended \$ _____ of official funds for the purpose of
purchasing the evidence listed below from _____
as detailed in _____
CASE# _____

List evidence and include exhibit numbers when possible.

OFFICER _____

Reviewed by: _____

Bear Creek Narcotics Task Force

Receipt for Official Undercover Funds for Purchase of Evidence

RECEIPT FOR OFFICIAL UNDERCOVER FUNDS FOR PURCHASE OF EVIDENCE

Place: Narcotics Dept

Date: 7-21-64

I, _____ hereby acknowledge

receipt of \$500 dollars

from Officer _____ which

I understand is being furnished me for the express purpose of purchasing evidence from

I further understand that should such purchase of evidence not be consummated on this date,

I will return the above funds to Officer _____

not later than 7-21-64

Officer _____ has clearly explained to me

that failure to return all unexpended funds as stated above will constitute misappropriation

in violation of Chapter 714 of the Iowa Code.

Q. returned

Confidential Informant Statement

334

CASE 3

Location:

Date: 28

Time:

I voluntarily make the following statement to

who I understand represents the

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State of Iowa. No threats, rewards, duress, or promises of any kind have been made to me in order to obtain this statement. I have been advised that this statement may be used in any administrative or judicial proceeding which may be undertaken by the State of Iowa. I have carefully read the foregoing statement consisting of _____ pages, each of which I have initialed. I have made any corrections shown and have placed my initials adjacent to each correction. This statement is true, accurate, and complete.

Page number: 1 Witnesses:

Signed:

Bear Creek Narcotics Task Force
Confidential Informant Payment Form

Receipt for Cash

Place:

Date:

Received this date from Special Agent _____
the sum of _____ dollars (\$ _____)
as payment in full for services performed on _____
(date or dates)
in reference _____
(Case No. & identity of subject)
include information and services in detail below for which payment is made.

Issuing Officer

C. 4

Witness

Dr. C. E.

Approved:

Supervisor

SIGNED:

CI. Signature

Bear Creek Narcotics Task Force

Confidential Funds Ledger

Encl. Disbursed Funds
Bob S. [unclear]

Date	Funds Rec. by Inv.	Inv. Case # Info	Funds Spent on Evidence	Funds Returned to Payee	Funds not Recovered	Funds Returned to Payee	Balance
01-09-03	Transfer	From Dave					1195
	1195-	Is Current as of	01-01-2004				
02-24-04	Trans to Laro				603		592
02-24-04	300-	From OREP					892
12-12-04	500-	Transfer to Joe R. Bur					392
12-13-04		04810064	100-	0	100		292
03-23-05	1053-	rec from Joe					1898
07-14-05	200-	Transfer to Laro					1698
04-22-05		04810064	50-		50-		1648
05-12-05	100-	Transfer to Bill					1548
06-07-05		Transfer from Laro				404	1618
11-23-05	860-	Transfer from [unclear]				860	2478
12-29-05		Transfer from Bill [unclear] (out)			100		2378
12-29-05		05810064	200-		200		2178
05-21-06		05810064	300-		300		2078
06-13-06		05810064	30-		30		2048
11-03-06		05810064	45-		45		1993

IN THE IOWA DISTRICT COURT FOR JONES COUNTY

AMY FORD, Plaintiff, vs. CITY OF ANAMOSA, IOWA and POLICE CHIEF ROBERT SIMONSON, in his individual capacity and official capacity, Defendants.	Case No. LACV06031 PLAINTIFF'S TRIAL BRIEF RE: EVIDENTIARY ISSUES AND JURY INSTRUCTIONS
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I. HEARSAY IN EMPLOYMENT CASES

Acts of harassment or discrimination are not hearsay. In *McElroy v. State*, 637 N.W.2d 488 (Iowa 2001), the defendant convinced the trial court to exclude sexually harassing statements on the basis that they were hearsay. *Id.* at 501. The Supreme Court noted, however, that such statements are not generally offered for the truth of the matter asserted, but simply to prove the statements were made. *Id.* In addition, such statements are commonly offered to explain subsequent actions by the listener. *Id.*

Statements that gave notice to an employer are not hearsay. The *McElroy* court addressed this concept as well, recognizing that out-of-court statements are not hearsay when they are offered to or to show notice, knowledge, or responsive conduct. *Id.* at 501-02.

In addition, documents on which an employer relies in making employment decisions in an employment discrimination are not hearsay. This is because such documents "can be relevant to explain the employer's conduct." *Id.* at 502.

Furthermore, prior consistent statements of a declarant are not hearsay so long as they are "offered to rebut an express or implied charge against the declarant of recent fabrication or improper influence or motive." Iowa R. Evid. 5.801(d)(1)(B).

Finally, statements made by Defendants' employees are not hearsay. Admissions by a party or opponent are excepted from the definition of hearsay. Iowa R. Evid. 5.801(d)(2). An admission by a party or opponent includes "a statement by the party's agent or servant concerning a matter within the scope of the agency or employment, made during the existence of the relationship." Iowa R. Evid. 5.801(d)(2)(D).

The rationale behind Rule 801(d)(2)(D) (the federal counterpart of Iowa R. Evid. 5.801(d)(2)(D)) is that "an agent or servant who speaks on any matter within the scope of his agency or employment during the existence of that relationship is unlikely to make statements carrying to his principal or employer unless those statements are true." *Nebuty v. Painter*, 655 F.2d 1164, 1172 (7th Cir. 1981). The rule is to be interpreted broadly in favor of generous admissibility. *Aliotta v. Nat'l R.R. Passenger Corp.*, 315 F.3d 756, 761 (7th Cir. 2003); *Javier v. City of Milwaukee*, 2008 WL 2412980 at *7 (E.D. Wis.); Fed. R. Evid. 801 Advisory Committee Notes.

Courts have recognized that Rule 801(d)(2)(D) has two elements. The first is that the statement be made by a party's agent or servant. The second is the statements must be made "concerning a matter within the scope" of the agent's employment. See, e.g., *Aliotta*, 315 F.3d at 761.

The federal advisory committee notes recognize that since "few principals employ agents for the purpose of making damaging statements," admissible admissions may be made as to all matters within the scope of the agency or employment and include more than just statements made in circumstances meeting "the usual test of agency." Fed. R. Evid. 801 Advisory Committee Notes. Even low-level employees talking about a matter related to their jobs qualifies as an admission under this Rule. *Wilkinson v. Carnival Cruise Lines*, 920 F.2d 1563, 1566 (11th Cir. 1991). It is not necessary for the declarant to have "speaking authority" before a statement can be admitted against the employer. *Id.* "The only requirement is that the subject matter of the admission match the subject matter of the employee's job description." *Aliotta*, 315 F.3d at 762; *Javier*, 2008 WL 2412980 at *5.

"To qualify as an admission, an employee need only be performing the duties of his employment when he comes in contact with the particular facts at issue." *Id.* (emphasis added).

The issue under Rule 801(d)(2)(D) is different from the respondeat superior requirement under that acts must be within the scope of employment. *Thomas v. United Parcel Serv. Inc.*, 1988 WL 58598 at *2 (N.D. Ill) (vacated and remanded on other grounds in *Thomas v. United Parcel Serv. Inc.*, 890 F.2d 989 (7th Cir. 1989)). "The plain language of the Rule is that the statement must concern a matter within the scope of employment made during the existence of the agency relationship." *Id.* "The question is not whether the employees "made the statements within the scope of their employment, but whether the statements concerned matters within the scope of their employment." *Id.*

II. OTHER EVIDENTIARY ISSUES

A. Workplace emails and text messages sent and received by Chief Simonson

Emails have become an issue in this case. Some of them sent by Chief Simonson from a personal email account, some of them sent by Chief Simonson from a commercial account that was at one time his official City account, and some of them sent by Chief Simonson from an official City account. That Chief Simonson sent emails from a personal email account or a commercial account is of no consequence.

One category of workplace texts and emails sent and received by Chief Simonson featured nude and scantily clad women and derogatory references to women. A second category of workplace texts and emails contained racially hostile messages. These emails include workplace texts and emails advance spiteful viewpoints towards Hillary Clinton, Barack Obama, and their cohorts. Disguised as political jokes, the underlying messages are hostile and derogatory toward women and people of color.

a. Nude and scantily clad women and derogatory references to women, including former Secretary of State Hillary Clinton

Officer Ford alleges Chief Simonson discriminated against her because she is a woman and created a work environment that was hostile toward women. Emails and texts containing nude and scantily clad women, or derogatory references to women,⁴ are relevant under Iowa R. Evid. 5.401 because they tend to make the existence of a fact that is of consequence to the determination of this case (that Chief Simonson discriminated against Officer Ford and maintained a sexually hostile environment) more probable than it would be without the emails. In other words, the jury could use the emails and text messages to conclude that Chief Simonson harbored bias against Officer Ford as a woman and/or treated her differently than the male officers on account of her gender.

Defendants will likely argue that only those emails or text messages received by Officer Ford personally are admissible. Established case law, however, supports the admission of emails and texts even if Officer Ford did not see them until this litigation began.

The existence of a sexually hostile environment must be judged in a vacuum, but on the totality of the circumstances. *Vaughn v. Ag. Processing, Inc.*, 459 N.W. 2d 527, 633 (Iowa 1990). In this case, the totality of the circumstances includes emails of a sexual nature Chief Simonson sent to people other than Officer Ford. A plaintiff is not limited to offering only that evidence about which she was aware during her employment. "Irrespective of whether a plaintiff was aware of the other incidents, the evidence is highly probative of the type of workplace environment she was subjected to, and whether a reasonable employer should have discovered the sexual harassment. *Sandoz II v. Am. Building Maint. Indus., Inc.*, 578 F.3d 787, 802 (8th Cir. 2009) (emphasis added). When courts judge the severity and pervasiveness of workplace sexual harassment, "harassment directed towards other female employees is relevant and must be considered." *Id.* at 802.

⁴ Plaintiff's Exhibits 77, 79, 82, 84, 85, 146, 149, 151, 154, 155, 156, 160, 163, 167, 172, 174, 177, 178, 179, 182.

The court's holding in *Sandoval* is a continuation of Eighth Circuit precedent. In *Williams v. Con-Agra Poultry Co.*, 378 F.3d 790, 794 (8th Cir. 2004), the court recognized that even though a plaintiff may not recover damages for acts of harassment about which she is unaware, that does not mean the evidence is irrelevant to the plaintiff's hostile environment claim. For example, evidence tending to show the decisionmaker's disrespect toward other women (even if the plaintiff is not aware of it) can make the plaintiff's testimony regarding the work environment more credible, provide insight regarding the decisionmakers' motivation for taking action against the plaintiff, and lead to the inference that decisionmakers were similarly biased toward the plaintiff. *Id.*

Evidence of bias against women of which Officer Ford was not aware has equal relevance, and from that evidence a reasonable jury could find in favor of Officer Ford on her hostile environment claim, and the jury should consider it in determining whether Officer Ford has established a hostile work environment claim:

Discriminatory or stereotypical remarks are admissible in gender discrimination cases because they may tend to show discriminatory animus. Whether remarks by defendants or defendants' employees support an inference of discrimination depends on the context, and whether, fairly considered, these remarks are either themselves probative of discrimination, or "tend[] to show that the decision-maker was motivated by assumptions or attitudes relating to the protected class."

Morris v. Cornell Univ., 889 F. Supp. 2d 539, 575-76 (S.D.N.Y. 2012) (quoting *Tomassi v. Jenson & Fin. Grp.*, 478 F.3d 111, 116 (2d Cir. 2007)).

Some of these emails and text messages were sent to both men and women. That Chief Simonson sent the emails to men and women is also of no consequence. In an Iowa case also involving a female plaintiff and a police department defendant, the City of Des Moines argued the harassment of the plaintiff was not based on her sex because the offenders "used obscene language all the time

to everyone.” The Iowa Supreme Court was unswayed by the argument in *Lynch*, just as this Court should be here. *Lynch*, 454 N.W.2d at 834.²

In *Hernandez v. Katiman*, 957 N.Y.S.2d 53 (2012), the court analyzed a hostile environment claim under the New York City Human Rights Law. In that case, the defendant sent sexually explicit emails to both male and female employees. *Id.* at 54-55. The lower court found the emails could not support a hostile environment claim because the emails were sent to both men and women and therefore could be perceived as offensive to people of either sex. *Id.* at 56. The appellate court disagreed, and rejected the defendant’s argument that “plaintiffs were not treated differently based on their sex because both men and women were exposed to the emails distributed by him.” *Id.* at 57. Such an argument, the court held, ignored the social context in which the emails were distributed, which included several incidents in which the defendant clearly objectified women. *Id.*

To hold that the emails and texts Chief Simonson sent to both men and women are inadmissible for that reason would also be to ignore the social context in which Chief Simonson sent the emails. That social context included comments about the breasts of young women in the community and other actions which demonstrate a clear bias against women.

b. Racially hostile messages, including those with derogatory undertones regarding President Barack Obama.

As set forth above, emails and texts not sent directly to Officer Ford are relevant. This includes not only emails and texts of a sexual nature, but also emails and texts containing subtle and

² Defendant Simonson’s sexually explicit emails also violate the City’s policy against sexual harassment. (Trial Ex. 9). Personnel Policy 38.0 states, “All employees must avoid offensive or inappropriate sexual behavior.” *Id.* Notwithstanding this policy, Defendant Simonson sent sexually explicit and derogatory emails. Defendants’ failure to follow or enforce its own harassment policies, by allowing Chief Simonson to send these emails from his work email to City employees, is relevant because the City ignored those same policies when it came to Officer Ford.

←
IMPORTANT

overtly racist overtones and derogatory content regarding persons of color, including President Barack Obama, and other minorities.³

"A plaintiff's ability to prove discrimination indirectly must not be crippled by evidentiary rulings that keep out probative evidence because of crabbed notions of relevance." *Estes v. Dick Smith Ford, Inc.*, 856 F.2d 1097, 1103 (8th Cir.1988) (quoting *Ridder v. Kopyners*, 831 F.2d 690, 693 (7th Cir. 1987)). Circumstantial evidence of discrimination can be "highly probative," including that the employer has discriminated against members of the plaintiff's protected class, as well as against members of other protected classes. *Fuentes v. Perckie*, 22 F.3d 749, 765 (3d Cir. 1994).

Racially hostile or derogatory emails and text messages sent by Chief Simonson reveal his discriminatory animus toward minorities. See *Heffer v. Columbia River Community Coll.*, 195 F. Supp. 2d 1212, 1220-21 (D. Oregon 2002) (derogatory racial comments by supervisor "bear on the totality of the workplace environment, and whether a reasonable woman would have perceived [the supervisor's] gender-related comments to be jovial office banter or malevolent remarks intended to cause pain"). The emails also exhibit the City's complicity with Chief Simonson's discriminatory rhetoric and behavior. These emails are relevant and highly probative as they will provide the jury with insight regarding Defendant Simonson's motive to discriminate against Officer Ford, as well as his violations of City policies.

Iowa R. Evid. 5.404(b)(2) supports admission of racially hostile or derogatory emails to prove motive. See also *Barnes v. City of Cincinnati*, 401 F.3d 729, 741-42 (6th Cir. 2005) (finding the supervisor's derogatory reference to lesbians and use of the word "fagg" admissible); *O'Sullivan v. City of Chicago*, 2007 WL 671040, *8 (N.D.Ill.2007) ("Other-acts evidence, such as discriminatory acts directed at employees other than the plaintiff, may be relevant and admissible in a discrimination case to prove

³ Plaintiff's Exhibits 75, 76, 80, 85, 86, 153, 161, 162, 166, 168 **152-171**

for example, intent or pretext"). Chief Simonson's history of sending racially hostile or derogatory emails makes it more likely that his actions against Officer Ford were motivated by his discriminatory animus against minorities, including women.

The Iowa Supreme Court has explicitly sanctioned the admission of evidence regarding discrimination and retaliation against workers other than the plaintiff. *Hammer v. Iowa Civil Rights Comm'n*, 472 N.W.2d 259, 263 (Iowa 1991). The *Hammer* Court recognized the reality that discrimination cases are extraordinary, difficult to prove because employers do not readily announce or admit their prejudices. Applying similar reasoning, other courts have found an employer's discriminatory animus toward other protected classes is admissible. See, e.g., *Abraham v. Green Acres Contracting Co.*, 347 F.3d 515, 521 (3d Cir. 2003) (quoting *Fuentes*, 32 F.3d at 765) ("A plaintiff alleging employment discrimination may challenge the employer's proffered explanation by showing ... 'the employer has discriminated against other members of his protected class or other protected categories of persons.'").

In *Abraham v. American University*, 1988 WL 15293 (D.D.C.), the plaintiff alleged religious and national origin discrimination. The plaintiff planned to introduce testimony from four co-workers about personnel or administrative actions they experienced working for the defendant. The defendant claimed this evidence must be excluded because "plaintiff's case must be based on evidence of discrimination against members of *his* race and *his* ethnic background." *Id.* at *1 (emphasis original). The court disagreed, finding evidence of discrimination toward other protected classes "would tend to provide that" the decisionmakers "harbored a discriminatory animus against minorities in general." *Id.*

Likewise, in *Glass v. Philadelphia Elec. Co.*, 34 F.3d 188, 194-95 (3d Cir. 1994), the Court recognized an atmosphere of condoned discrimination makes it more likely that retaliation will occur. The *Glass* Court recognized evidence indicating an employer may discriminate against a protected class is relevant to establishing the employer's state of mind or motive for making otherwise unexplained

decisions. *Id.* (quoting *Estes*, 856 F.2d 1097, 1103 (8th Cir. 1988)) (“such background evidence may be critical for jury’s assessment of whether a given employer was more likely than not to have acted from an unlawful motive”).

Evidence that Chief Simonson sent racially hostile and derogatory emails and text messages is admissible to reveal his pattern of discriminatory animus toward minorities. This fact makes it more likely that Chief Simonson discriminated and retaliated against Officer Ford based on her sex and her complaints.

III. QUESTIONING WITNESSES

A. LEADING QUESTIONS MAY BE USED TO REFRESH RECOLLECTION

It may become necessary for counsel to refresh a witness’ recollection. The Iowa Rules of Evidence specifically permit this use of leading questions: “Leading questions should not be used on the direct examination of a witness *except as may be necessary to develop that witness’s testimony.*” Iowa R. Evid. 5.611(c) (emphasis added); *see also* Moore’s Fed. Practice § 511.3(c) pp. 268-69; 3 Wigmore §§ 774-778. It is clearly permissible to refresh recollection orally. When a witness has exhausted his or her recollection, the questioner may use leading questions to refresh it. MCCORMICK ON EVIDENCE (Chapter 2, § 6 p. 12) states the rule clearly:

Similarly, when a witness has been fully directed to the subject by non-leading questions without securing from him a complete account of what he is believed to know, his memory is said to be “exhausted” and the judge may permit the examiner to ask questions which by their particularity may revive his memory but which of necessity may thereby suggest the answer desired.

B. THE USE OF LEADING QUESTIONS OF ADVERSE WITNESSES

Generally, a party interrogating a witness on direct examination may not use leading questions except as necessary to develop the witness’ testimony. Iowa R. Evid. 5.611(c). An exception exists, however, when a party calls an adverse witness in her case in chief. *Id.* “When a party calls a hostile

witness, an adverse party, or a witness identified with an adverse party, interrogation may be by leading questions." *Id.* (emphasis added).

The rules are flipped for the cross-examination of the witness by the party whose identification or bias they share. While Rule 5.611(c) states that "ordinarily leading questions should be permitted on cross-examination," the advisory committee's notes and *McCORMACK ON EVIDENCE* suggest that when a witness is biased in favor of the party cross-examining him, that party is not permitted to use leading questions. Fed. R. Evid. 611 advisory committee's notes; MCCORMACK ON EVIDENCE, §6 at 13 (3d ed. 1984). The notes state:

The rule also conforms to tradition in making the use of leading questions on cross-examination a matter of right. The purpose of the qualification "ordinarily," is to furnish a basis for denying the use of leading questions when the cross-examination is cross-examination in form only and not in fact, as, for example, the "cross-examination" of a party by his own counsel after being called by the opponent (savoring more of re-direct) or of an insured defendant who proves to be friendly to the plaintiff.

Fed. R. Evid. 611 advisory committee's notes.

Many of Officer Ford's witnesses are employees of the City, including Chief Simonson himself. Those witnesses will potentially be biased in Defendant's favor, hostile to Officer Ford, or both. Officer Ford will use leading questions on their direct examinations in accordance with Rule 5.611(c). When the Defendants question those witnesses they are required to use non-leading questions in accordance with the above authorities and in conformity with the "traditional view that the suggestive powers of the leading question are as a general proposition undesirable." Fed. R. Evid. 611 advisory committee's notes.

C. ONLY THE QUESTIONER MAY MOVE TO STRIKE ANY PART OF THE WITNESS' ANSWER AS "NON-RESPONSIVE"

The questioner has an interest in seeking responsive answers to his or her questions. The opponent does not. The mere fact that an answer is unresponsive is not an objection available to the opponent. Only the questioner may move to strike on that basis. Of course, if the non-responsive

answer contains otherwise objectionable matter, the opponent must lodge the appropriate objection. See, e.g., MCCORMICK ON EVIDENCE 3d, Chapter 6 § 52 p. 137; Graham on Evidence, NITA, Chapter XV, § 3 p. 730. However, that objection cannot be based on the non-responsiveness.

IV. JURY INSTRUCTIONS

"[T]he court is required to give a requested instruction when it states a correct rule of law having application to the facts of the case, and the concept is not otherwise embodied in other instructions." *Gamerding v. Schoefer*, 603 N.W.2d 590, 594 (Iowa, 1999). While a majority of Officer Ford's requested instructions are self-evident, some warrant additional discussion as set forth below.

A. THE JURY SHOULD BE INSTRUCTED ON PRETEXT AND TEMPORAL PROXIMITY

The Court is required to instruct the jury about the effect of a finding of pretext. *Dehoun v. Rainy Ridge, Inc.*, 772 N.W.2d at 16. "[A] pretext instruction is required where, as here, a rational finder of fact could reasonably find the defendant's explanation false and could 'infer from the falsity of the explanation that the employer is dissimulating to protect up a discriminatory purpose.'" *Id.* (quoting *Tennard v. Lumbermen's Mut. Cas. Co.*, 254 F.3d 1232, 1237 (10th Cir. 2002) (quoting *Raze v. 530 U.S.* at 147)). The *Dehoun* court decided a "pretext instruction is necessary because discrimination cases are difficult to prove. The Supreme Court has acknowledged the issue before the fact finder in a discrimination case 'is both sensitive and difficult,' and 'that there will seldom be eyewitness testimony as to the employer's mental processes.'" *Id.* (quoting *Raze*, 530 U.S. at 141) (quoting *U.S. Postal Serv. Bd. of Governors v. Aikens*, 460 U.S. 711, 716 (1983)). If a plaintiff presents evidence of pretext, then failure to give the jury a pretext instruction will result in prejudice. *Id.* at 11.

"As long as a requested instruction correctly states the law, has application to the case, and is not stated elsewhere in the instructions, the court *must* give the requested instruction." *Id.* (quoting *Vaughan v. Mast, Inc.*, 542 N.W.2d 533, 539 (Iowa 1996) (emphasis added)).

Officer Ford's requested instruction on temporal proximity accurately states the law. Just as "a pretext instruction is required in order to ensure the jury understands the plaintiff need not present an admission or other affirmative evidence of the defendant's intent in order to prove discrimination," instructions are also required to apprise the jury of the significance of evidence regarding temporal proximity. *See id.* at 10. These requested instructions have application to the case and will not be stated elsewhere. As a matter of law, the Court is required to instruct the jury on these matters.

B. THE JURY SHOULD BE INSTRUCTED ON DEFENDANTS' DUTY TO PRESERVE RECORDS

In her proposed jury instructions, Officer Ford also requests an instruction regarding the Defendants' duty to keep and preserve records of the persons they employed and the interactions the jury can make when Defendants' fail to satisfy that duty.

Defendants had an independent duty to preserve relevant evidence regardless of whether Plaintiff's attorney ever sent a letter. *See, e.g.* U.S.C. § 201(c)-(e); 29 C.F.R. Sec. 1602.14; 161 Iowa Admin. Code § 3.7(1); 161 Iowa Admin. Code § 3.7(3). Regarding this elementary concept, Judge Bennett has held, "[a] first year law student should have—and more would have—known that a party must retain documents or records that are likely to be relevant in pending litigation." *Dorset John's, Inc. v. City of Sioux City*, 486 F. Supp. 2d 953, 954 (N.D. Iowa 2007). Indeed, both state and federal law require the preservation of relevant evidence. *Id.* (collecting cases).

Officer Ford requests the instruction for two reasons. One, Chief Simonson blatantly instructed employees to delete relevant text messages and emails. (Email to Travis McNally, 12/13/16) (Pl. Ex. 176). Two, several witnesses have referenced a document (or documents) during depositions that Defendants have failed to produce despite repeated requests from Officer Ford's attorneys. Officer Derek Denniston testified he remembered seeing a piece of paper instructing employees not to delete anything. (Denniston, Dep. 21). City Administrator Al Johnson testified "the Chief sent [a document] to the officers, that they were not to delete anything of that nature." (Johnson

Dep. 106-107). Officer James Rickels believed he saw Johnson instructing employees not to get rid of anything. (Rickels Dep. 13-14). Sergeant Travis McNally testified that he had all officers sign a document regarding not altering, changing, or destroying any documents. (McNally Dep. 41-42, 46-47).

In addition, Johnson testified that Chief Simmons told him that he sent a memo to employees of the police department regarding whether they should talk to anyone from Officer Ford's attorney's office. (Johnson Dep. 99-100). Further, Officer Matt Macke testified that Sergeant McNally said that Al Johnson had issued a memo, "If Andy Ford's attorney try to contact you, you're not to give any comment or give any statements at this time until notice." (Macke Dep. 19-21).

"It is a well-established legal principle that the intentional destruction of or the failure to produce documents or physical evidence relevant to the proof of an issue in a legal proceeding supports an inference that the evidence would have been unfavorable to the party responsible for its destruction or nonproduction." *Phillips v. Covenant Care, Inc.*, 825 N.W.2d 714, 718 (Iowa 2010). Spoliation is "[t]he nonproduction, alteration, or destruction of evidence." *Id.* When established, spoliation is regarded as an admission of the weakness of a party's case. *Id.* at 719; see also *Harrison v. Harrison*, 124 Iowa 525, 100 N.W. 344, 344 (1904) ("suppression of evidence is an admission that it is deemed unfavorable to the party suppressing it").

Defendants have provided no explanation regarding the documents that evidently existed at one time and apparently no longer exist (because otherwise Defendants would have been required to produce the documents during discovery). When relevant evidence is in the control of a party whose interest would naturally call for the production of the documents and the party fails to do so without sufficient explanation, a jury is entitled to infer that the evidence would be unfavorable to the party. *Gamerding v. Schaefer*, 603 N.W.2d 590, 595 (Iowa 1999); citing *Grant-Citrus Petroleum Co. v. Atan*, 145 N.W.2d 345, 348 (Iowa 1966) (and holding that the district court erred in failing to give a spoliation

instruction where the defendant took pictures of vehicles involved in an accident and failed to produce the photographs in discovery).

Because Defendants had a duty to preserve relevant documents, and because relevant documents existed at one time and were not produced during discovery, Officer Ford is entitled to the requested instructions.

C. THE JURY SHOULD BE INSTRUCTED ON DEFENDANTS ORDERING ITS EMPLOYEES NOT COOPERATE WITH OFFICER FORD'S ATTORNEYS

In Section 8 of Defendants' Second Motion in Limine (filed February 7, 2017), Defendants sought to exclude evidence that police officers were told not to cooperate with Officer Ford's attorneys' investigation into her civil rights violations. The Court granted Defendants' Motion, finding the cases cited by Officer Ford to be inapplicable, and noting that Officer Ford never sought to involve the Court and there has been no judicial determination made on whether Officer Ford was entitled to such communications. The Court also granted the Motion because it found Officer Ford did not sufficiently articulate the relevance of any such information to the issues involved in the case.

In addition to the documents described above regarding whether employees could talk to anyone from Officer Ford's attorneys' office, City Attorney Adrian Knuth testified that he gave the following instruction to Johnson:

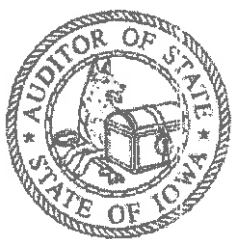
I received a phone call from Al Johnson. He reported to me that one of the City's peace - police officers had received a phone call from somebody representing to be with Ms. Fiedler's office and representing Amy Ford and wanted to conduct a phone deposition. I requested Al Johnson, as city administrator, to instruct Chief Simonson to inform his office that since litigation was pending - or at least the correspondence indicated it was pending, that in light of that litigation pending that their officers were not to respond to any request for information without clearance from either Chief Simonson, Al Johnson as city administrator, myself, and I believe at that time Mr. Novak was already on board.

(Knuth Dep. 48-49).

In seeking to instruct the jury regarding Defendants' efforts to obstruct Officer Ford's investigation of her case, she offers the following case and asks that the Court reconsider its previous position.

"It is generally held that, in a civil case, evidence that a litigant, or his agent, has attempted to influence or suppress a witness is receivable as an admission or as an indication of the litigant's consciousness that his case is weak or unfounded or that his claim is false or fraudulent." *Great American Ins. Co. v. Horab*, 309 F.2d 262, 264 (8th Cir. 1962). Officer Ford's position that Defendants attempted to influence witnesses not to cooperate with her investigation is not one of mere speculation. Rather, Defendants brazenly and unapologetically admit they did it. The result was the complete obstruction of any interviews between Officer Ford's attorneys or their representatives and employees of the City and the police department. The jury should be instructed that this can be construed an admission that the Defendants knew their defense was weak or unfounded and that is why they did not want employees talking to Officer Ford's attorneys.

/s/ Paige Fiedler
FIEDLER & TIMMER, P.L.L.C.
Paige Fiedler AT0002496
paige@cm-law.com
Katie Ervin Carlson AT0008958
katie@cm-law.com
8831 Windsor Parkway
Johnston, IA 50131
Telephone: (515) 254-1999
Fax: (515) 254-9925
ATTORNEYS FOR PLAINTIFF



OFFICE OF AUDITOR OF STATE
STATE OF IOWA

David A. Vaudt, CPA
Auditor of State

State Capitol Building
Des Moines, Iowa 50319-0004

Telephone (515) 281-5834 Facsimile (515) 242-6134

NEWS RELEASE

Contact: David A. Vaudt
515/281-5835
or Tam Kusian
515/281-5834

FOR RELEASE April 17, 2007

Auditor of State David A. Vaudt today released a report on a special investigation of the Bear Creek Narcotics Task Force. The report covers the period July 1, 2003 through November 30, 2006. The special investigation was requested by Task Force officials as a result of concerns regarding the balance of a Task Force cash fund. The Bear Creek Narcotics Task Force includes various law enforcement agencies in Jackson, Jones and Cedar Counties and was established to provide mutual assistance in enforcing the drug laws of the State of Iowa.

Vaudt reported the special investigation identified \$715.00 of cash missing from the Confidential Funds held for the Jackson County area. Vaudt also reported the disposition of the missing cash could not be determined because access to the cash was not limited.

The missing cash is a portion of the Confidential Funds awarded to the Task Force from the Edward Byrne Memorial State and Local Law Enforcement Assistance Formula Grant Program awarded by the Governor's Office of Drug Control Policy. Confidential Funds are used for narcotics purchases by confidential informants and payments to informants for information related to drug cases.

The report includes recommendations to strengthen controls at the Task Force and oversight of the Confidential Funds and Forfeiture and Evidence Clearing checking accounts held by the Task Force.

Copies of the report have been filed with the Governor's Office of Drug Control Policy, the Jackson County Attorney's Office, the Attorney General's Office and the Division of Criminal Investigation. A copy of the report is available for review in the Office of Auditor of State and on the Auditor of State's web site at <http://auditor.iowa.gov/specials/specials.html>.

###

SENDER: COMPLETE THIS SECTION		ADDRESSEE: COMPLETE THIS SECTION	
<input type="checkbox"/> Complete items 1, 2, and 3. <input type="checkbox"/> Print your name and address on the reverse so that we can return the card to you. <input type="checkbox"/> Attach this card to the back of the mailpiece, or on the front if space permits.		A. Signature <input checked="" type="checkbox"/> X B. Received by (Please Print Name) C. Date of Delivery D. Is delivery address different from item 1? If YES, enter delivery address below.	
1. Article Addressed to: Robert Summers, Chief Business Plan Dept 60 N. First St Annapolis, MD 20740		<input type="checkbox"/> Yes <input type="checkbox"/> No	
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Tracking Number: 70150640000445186085



Alert

Your item was refused by the addressee at 9:28 am on January 5, 2016 in ANAMOSA, IA 52205 and is being returned to the sender.

Product & Tracking Information

Postal Product:
First-Class Mail®

Features:

Certified Mail® Return Receipt

Delivery

See tracking for related item: 9500640004005410 075512

Available Actions

Track History

Email Updates

DATE & TIME	STATUS OF ITEM	LOCATION
January 5, 2016, 9:28 am	Refused	ANAMOSA, IA 52205
<p>Your item was refused by the addressee at 9:28 am on January 5, 2016 in ANAMOSA, IA 52205 and is being returned to the sender.</p>		
December 22, 2015, 9:07 am	Notice Left (No Authorized Recipient Available)	ANAMOSA, IA 52205
December 21, 2015, 2:10 pm	Departed Post Office	ANAMOSA, IA 52205
December 21, 2015, 12:17 pm	Acceptance	ANAMOSA, IA 52205

Track Another Package

Tracking (or receipt) number

70150640000445186085

January 5, 2016

9:28 am

Track It

Manage Incoming Packages

Track all your packages from a dashboard. No tracking numbers necessary.

Sign up for My USPS



Tammy Coons

From: tanya pulaski <pulaski.tanya79@gmail.com>
Sent: Friday, February 16, 2018 3:46 PM
To: cashaffer16@gmail.com; smithcouncil@gmail.com; richcrumpananamosa@gmail.com; bettyaweimer@gmail.com; councilkay2018@gmail.com; johnmachart@gmail.com; tcoons@mchsi.com
Subject: Re: Pitbull Ban

On Feb 16, 2018 3:34 PM, "tanya pulaski" <pulaski.tanya79@gmail.com> wrote:

Hello Mayor,

PLEASE consider the removal of the pit bull ban. Not every pit bull that you see is a dangerous pitbull. There are many responsible pet owners that are out there and that are respectable pet owners as well. I truly believe that this town needs to release the pit bull ban and give us the opportunity to own a pitbull or even a pitbull mix. I work at a kennel here around the area and I have seen more aggressive breeds than the Pitbull. I actually have not even seen an aggressive Pitbull but I have seen aggressive German Shepherd's, Yorkshire terriers, schnauzers and many other breeds besides the Pitbull. I truly believe it all depends on how you raise your animal and how you treat your animal. Pit bulls have a bad name on them because people are out there wanting to use them for fighting purposes but what about the people that are out there that truly love the breed and want to love them and have them as a family pet? What about people that have roosters and want to use them for fighting, you don't see them being banned. Another question that I have is why is there a pitbull ban in Anamosa in the first place? I'm not originally from Anamosa and I did not grow up in Anamosa so I'm just curious of why there was a pitbull ban or if there was an issue that occurred in the city. But please seriously consider this topic on releasing the pit bull ban because there are many of us out there that are responsible pet owners that just wants someone to love and that opportunity to rehome an animal that deserves a loving home and not to be euthanized. Thank you so much for your time you have a wonderful afternoon.

Tanya Pulaski

Tammy Coons

From: Julie Eyrich Wall <julie.eyrich@gmail.com>
Sent: Tuesday, February 13, 2018 6:23 AM
To: tcoons@mchsi.com; smithcouncil@gmail.com; cashaffer16@gmail.com; johnmachart@gmail.com; bettyaweimer@gmail.com; councilkay2018@gmail.com; richcrumpanamosa@gmail.com
Subject: Keep pit bull ban

Please forward my email to all who make decisions on animal control ordinances. Please submit my letter for public record.

Dear Elected Officials & others,

People aren't seeking legislative protection based on the belief all pit bulls are bad, but based on the reality they carry far more risk to innocent people than non fighting breeds of dog. Just as the average person doesn't want to take the risk of being killed by a drunk driver, the average person also doesn't want to risk being maimed, mauled or killed by a fighting breed of dog. If they are incapable of understanding such basic self preservation, then there is little hope for them. It must be noted that these people are either risk takers or poor assessors of risk, and quite often have no idea they are putting themselves and others in harm's way.

This issue is more than just how a dog owner treats or trains their dogs, it's also how they are bred. Pit Bulls were originally bred to be put in a pit to kill 2,000 pound bulls. That is why they are called 'pit bulls'. Then pit bulls were put in a pit to kill each other for blood sports.

Most pit bull advocates lack the basic understanding of dog breeding 101 where breeders are purposely trying to produce a 'stereotype' for retrieving, herding, pointing, scenting, racing, guarding and fighting.

Most normal breeds have a highly developed canine etiquette, with a language that allows them to resolve conflict without killing. In contrast, pit bulls have had this etiquette systematically bred out of them, for success in the killing pit. A normal dog will signal, bluff, air bite nip, and only as a last resort will he really bite, and will bite and release. A pit bull skips all the signals and preliminary posturing and gets right down to killing, and once they start in on a victim they will not stop. Many a distraught parent has found out the hard way when the so-called family pit bull goes after their toddler and is oblivious to kicks, punches, baseball bats etc.

I hope you will read the entire breed bio for the American Pit Bull Terrier on our website to have a better understanding of why pit bulls disproportionately kill more humans and animals than all breeds combined.: <http://www.daxtonsfriends.com/american-pit-bull-terrier/>

Personal Property items are regulated or banned all the time if it compromises health and public safety. Animals are considered property under the law.

Public policy is not always based solely on the frequency of an event. For examples: Two people killed by lawn darts govt ban them. 32 children were killed by accidents in drop sided cribs. Drop sided cribs are no longer legal in the United States. Eight people died as a result of faulty Takata airbags in their cars. I have seen reports of 34 million to over 50 million cars recalled. Not all cigarettes killed people, but they're ban in almost all public places now. 11 ford pintos exploded, govt ban them. Just because not every pit bull kills someone does not mean pit bulls are safe. Too many people have been killed by pit bull type dogs. When a consumer product injures and kills that many people, and generates comparable liability history, that product is taken off the market. <http://www.dogsbite.org/dog-bite-statistics-fatalities.php>

Consider how many safety precautions there are to avoid being injured or killed by lightening strikes (lightning rods, lightning protection systems, etc.) What if there were no prevention systems? And no government agency monitoring it? <http://www.lightningsafety.noaa.gov>

I wanted you to be aware of the many myths that were created by the well-funded and well-organized pit bull lobby that you might hear from pit bull advocates.

1) Just because you would like the American Temperament Test Standard to be a temperament test for a balanced pet, it is not. It was developed by Alfons Ertelt in 1977 as a screening test for potential Schutzhund candidates - ie dogs that do bite work like police dogs. He was not an animal behaviorist, he was a schutzhund fan. He wanted a quick way to screen dogs to see if they were bold and aggressive enough to do police work. As much as you wish otherwise, it is not in any way an indicator of a safe pet. The test itself only takes 15 minutes and as a screening test, was designed only to weed out the most unlikely candidates for attack dog training. A dog that panics when it hears a gunshot will fail this test. A dog that balks when asked to walk on wire fencing will fail this test. No part of this test looks at how the dog reacts in a home or with children or with other animals. These are things that are immediately obvious to anyone who takes even a cursory glance at the test. Why would you be attempting to prove pit bulls make great pets based on this test? <http://thetruthaboutpitbulls.blogspot.com/2010/08/there-are-three-kinds-of-lies-lies.html?m=1>

2) Pit bulls can't be identified. The term pit bull is used as a generic term used to describe dogs with similar physical characteristics. A "pit bull" is one of several breeds that have

the same shared bloodline including the American Pit Bull Terrier, Staffordshire Bull Terrier, American Staffordshire Terrier, Bull Terrier, American Bully or any mix. Just like there are 12 types of spaniel breeds or 6 types of retriever breeds with shared bloodlines.

For 25-years appellate courts have ruled that a dog owner of ordinary intelligence can identify a pit bull (See: Ohio v. Anderson, 1991). In addition to this, the high courts have ruled that scientific precision is not required when determining the breed (See: Colorado Dog Fanciers v. Denver, 1991). Yet still the myth persists pushed by the pit bull lobby, pit bull advocates, animal groups and more -- that it is impossible to identify a pit bull. <http://blog.dogsbite.org/2015/08/who-can-identify-pit-bull-dog-owner-of-ordinary-intelligence.html>

A 2013 ASPCA double-blind study revealed that shelter workers were able to correctly identify dogs with significant 'pit bull' blood ('pit bull' = the 3 breeds above) 96% of the time, as confirmed by DNA tests. <http://www.aspcapro.org/blog/2013/09/25/bully-this%E2%80%9494-results-are-in%E2%80%94A6>

3) None of these orgs track fatalities by dog breeds: the American Veterinary Medical Association (AVMA), HSUS, ASPCA, Best Friends Animal Society and the American Kennel Club (AKC), among many others.

In fact, no organization except those making money off pit bull supports pit bulls. Those organizations have a vested financial interest in pit bulls. Those with a "product on the shelf" to move. Those who make money selling pit bulls or make a living not only treating pit bulls but also from repairing the poor animals they attack. Those whose income could be affected by their views on pit bulls.

4) Many pit-bull advocates still claim pit bulls were nanny dogs in the 1800s. There are no primary sources that support pit bulls were nanny dogs. It was started by a pit bull breeder to soften the image of the breed and as an advertising gimmick in the 1970s to sell more pit bulls. There are zero primary sources. A major pit bull advocacy group publicly announced that it will no longer support the Nanny Dog myth because it endangers children. While it is too late for many children, hopefully many will be saved in the future. <http://thetruthaboutpitbulls.blogspot.com/2010/08/nanny-dog-myth-revealed.html>

216 children killed by pit bull type-dogs.

<https://www.fatalpitbullattacks.com/children-killed-by-pit-bulls.php>

Here is a good overview who like to own pit bulls: <http://www.dogsbite.org/dangerous-dogs-pit-bull-owners.php>

Pit bull lobby who pretty much uses their own money to fabricate their own "research".

PROOF that Animal Farm Foundation & The National Canine Research Council (NCRC) are not credible sites.

Five Levels of the Pit Bull Lobby: <http://blog.dogsbite.org/2016/10/montreal-pit-bull-ban-veterinary-report-pit-bull-lobby.html?m=1>

Level 1: The financing source. Animal Farm Foundation (AFF), owned by Jane Berkey. The company's motto is: "Securing equal treatment and opportunity for pit bull dogs." AFF devotes itself entirely to fighting pit bull regulations. "After inheriting a fortune from her father, Jane Berkey, who also owns a literary agency, turned over at least \$6 million to her group, \$2.85 million in 2013, according to government records. She pays 9 employees (one of whom, the director, makes more than \$100,000 a year) and finances numerous groups that share her philosophy," La Presse reports.

Level 2: The researchers. "To produce studies, AFF bought a private research body in 2007. The acquisition was kept secret until the victims' group Dogsbite discovered this during litigation. The National Canine Research Council (NCRC) was created by a veterinary technician, Karen Delise. Neither an academic researcher nor a veterinarian, she self proclaims as the 'greatest national expert on deaths caused by dog bites,'" La Presse reports. NCRC co-authors and finances studies, like the ones cited by the OMVQ, which chiefly attempt to show pit bulls cannot be identified.

Level 3: Publication. Journal of the American Veterinary Medical Association (JAVMA). "The American Veterinary Medical Association (AVMA) publishes NCRC studies in its journal. On its own website it proposes sample letters [for readers to write] contesting any law aimed at pit bulls. Moreover, its site has a link to AFF," La Presse reports. The journalist even points out the AVMA's notice on the embargoed 2000 fatal dog attack study, which falsely and fraudulently states: "In contrast to what has been reported in the news media, the data contained within this report CANNOT be used to infer any breed-specific risk for dog bite fatalities."

Level 4: The political lobby. Best Friends Animal Society. Their senior legislative analyst, Ledy VanKavage, drafts state-level bills to eliminate local pit bull ordinances (state preemption laws) and is also a board member of AFF. VanKavage boasts on Best Friends' corporate website that she commissioned an ex-economist from the tobacco industry, John Dunham, to create a fiscal calculator designed to advise governments on the cost of breed banning. Dunham's sham BSL calculator, financed by the NCRC, over exaggerates these costs by nearly two orders of magnitude.

Level 5: The distributors. The animal care industry. "All the lobby studies are abundantly distributed by animal-based companies like shelters, breeders, trainers, etc. In Montreal, they are [distributed] by, amongst others, the SPCA, whose mission is to avoid euthanizing dogs and whose two most senior executives are themselves owners of pit bulls," states La Presse. "On social media, pit bull owners deploy these studies

relentlessly and accuse all their opponents of ignorance," La Presse reports. More aggressive ones have even threatened the mayor of Québec City with death.

Thanks for listening to my concerns,

Julie Wall

Supporter of National Pit Bull Victim Awareness

Dogsbite.org

Daxtonsfriends.com

Tammy Coons

From: Liz Adams <liz.adams11@yahoo.com>
Sent: Tuesday, February 13, 2018 10:41 AM
To: tcoons@mchsi.com; smithcouncil@gmail.com; cashaffer16@gmail.com; johnmachart@gmail.com; bettyaweimer@gmail.com; councilkay2018@gmail.com; richcrumpanamosa@gmail.com
Subject: Anamosa is proof that pit bull bans work

Dear City Council of Anamosa,

Anamosa is proof that pit bull bans work. There has been zero level 4-6 dog attacks since you passed the ordinance. Please look at Dog Bite Chart 1-6: <http://apdt.com/wp-content/uploads/2017/01/ian-dunbar-dog-bite-scale.pdf>

Dr. Ian Dunbar created the dog bite chart. He is a veterinarian, animal behaviorist, and writer. He received his veterinary degree and a Special Honors degree in Physiology & Biochemistry from the Royal Veterinary College (London University) and a doctorate in animal behavior from the Psychology Department at the University of California in Berkeley, where he spent ten years researching olfactory communication, the development of hierarchical social behavior, and aggression in domestic dogs. <https://www.dogstardaily.com/blogger/4>

Anamosa has a pit bull ban. I would think most Anamosa citizens would be unaware of all the dangerous pit bull attacks that are happening in breed neutral cities.

We do not believe in Nurture over Nature. There are 300 other types of dogs living with people who are not very well socialized or trained, but they don't tear the throats out of people. If you need to do extensive training, own break sticks, build a six-foot fence around your property and ensure it can never get out 24-7, you do not have a pet - you have a project. View pit bull attacks to date in 2017 - these are just the ones reported by the media. <http://www.nationalpitbullvictimawareness.org/attacks/map-of-attacks-2017/>

Thanks for your time,

Liz Adams

Tammy Coons

From: Lew Heifner <bslsaveslives@gmail.com>
Sent: Tuesday, February 13, 2018 10:45 AM
To: tcoons@mchsi.com
Subject: Please Work Hard to Keep the Pit Bull Ban

Please pass my concerns on to all who make decisions about animal control ordinances.

Please consider watching this investigative video that puts the pit bull lobby vs pit bull victims situation into a clear perspective;

<http://www.cbc.ca/player/play/1053062723713>

<https://dogbitelaw.com/why-dogs-bite-people/provocation-the-myth>

http://www.cleveland.com/metro/index.ssf/2017/09/ohio_man_tells_investigators_d.html

http://idahostatejournal.com/news/local/canines-savagely-maul-blackfoot-woman-kill-her-dog/article_f25e8ff6-1d4a-52db-a543-1410d075f569.html

<http://www.ketv.com/article/residents-want-stricter-laws-dealing-with-dangerous-dogs-after-pit-bull-attack-kills-a-dog/12462112>

<http://www.cleveland19.com/story/35508283/clevelands-dangerous-dogs-carl-monday-investigates>

http://www.cleveland.com/metro/index.ssf/2017/04/girl_hospitalized_after_pit_bu.html

<http://www.news9.com/story/35089316/elderly-woman-dog-killed-by-dogs-in-nw-okc-neighborhood>

I live in Lakewood Ohio, and we are very fortunate to have Breed Specific Legislation banning blood sport dogs such as pit bulls. Our ordinances are often used as a model by other communities when crafting their own bans.

Pit bulls have killed 2 Americans so far in 2018. All other breeds combined killed 0. Pit bulls killed 38 Americans 2017, all other breeds combined killed 7. In 2016. it was 24 deaths by pits and 6 by all other breeds combined. Pit bulls killed 29 Americans in 2015. All other breeds combined killed 5. The numbers are compelling, 93 people killed by pit bulls against 18 by all other breeds combined. Pit bulls, 5-6% of the population, have killed 5 times more often than all other breeds combined since January 1, 2015. I see a trend in those numbers. Pit bulls are banned in dozens of countries, more than 937 US jurisdictions and all US military bases. Evidently, there are a lot of other people that can see the trend as well. What is the most numerous animal in shelters?... Go look at any shelter's website, they are full of unadoptable pits. What other breed needs a paid, professional lobby? www.dogsbite.org collects data on all dog attacks. You can see the numbers there as well. It is past time to ban pit bulls. Spay and neuter the purpose bred blood sport animal into extinction.

<https://dogbitelaw.com/why-dogs-bite-people/provocation-the-myth>

Pit bull "service" animal attacks its owner; <http://www.wfmj.com/story/32030177/youngstown-pit-bull-to-be-put-down-after-attacking-owner>

I travel with my service dog and it pains me to think that he might be injured or killed by a pit bull while he is working for me. Please don't scoff or take that lightly, scores of very prized, expensive and loved service dogs are killed by pit bulls every year. Like many disabled people, without my dog, I am absolutely unable to leave my home. Harry, is an Eurasier, a dog breed that was created specifically to be a companion dog. His breeding and genetic instinctive behavior make him very well suited for his job as a service dog. Dog breed matters, genetics dictate default instinctive behaviors. These behaviors can be suppressed by training, but never removed.

April 23, 2016, a 3 day old infant laying between the parents was killed by a pit bull that "passed" the standard temperament test given by trained professionals. Many dogs pass these tests and within months, sometimes days, attack. The tests are unreliable and cannot take into account the natural instincts of dogs.

Pit bull advocates are in denial of the genetic behavior of dogs and are naively unaware of the dangers. This advocacy is responsible for many injuries and deaths every year. Pit bull advocates will tell you that people like me hate dogs, nothing could be further from the truth. My wife and I share our home with 5 dogs and we very often dog sit for friends and family. We love dogs and it pains me to see one breed kill so many pets every year. For many years, I bred championship hunting Labrador Retrievers, I have a considerable wealth of knowledge of canine genetic behavior.

Currently, I work with a national dog bite victim's group and we are dedicated to reducing serious dog attacks. We fully support Breed Specific Legislation to ban the most dangerous dogs.

Pit bull type dogs kill 28-35 Americans every year and maul hundreds of others serious enough to require hospitalization. Thousands of pets are cruelly killed by pit bull type dogs. The vast majority of the pit bull type dogs that kill are family pets, and are not trained fighters. Breed Specific Legislation is needed to protect our communities.

Dogs have a great deal of instinctive behavior hardwired into their brains, their instincts dominate their behavior. Instinctive behaviors are the default behaviors that drive a dog. If you want a dog to help you hunt ducks, one would select a Chesapeake Bay Retriever or a Labrador Retriever, these dogs are bred with the physical and mental characteristics to make them excel at these tasks. Selective breeding has given them webbed feet for more efficient swimming, a large thick tail for an effective rudder, thick undercoat for insulation from the icy waters they retrieve downed ducks from, and a love of retrieving. These dogs are genetically hardwired to perform these tasks; one would hardly expect to get a chow or a doberman to do the same work.

If you have a flock of sheep, one would select a border collie to look after the animals. Border collies are bred to herd animals; they have an incredible attention span and endurance that is not to be believed. These physical and mental characteristics have been carefully selectively bred into these dogs to make them suitable for these tasks.

Other examples; golden's retrieve, pointers point, and bloodhounds track, you get the idea. All of these behaviors are instinctive and are not "how it's raised".

Today's pit bull type dog is a descendant of the original English bull-baiting dog, a dog that was bred to bite and hold bulls, bears and other large animals around the face and head. When baiting large animals was outlawed in 1835, people turned instead to fighting their dogs against each other. These larger, slower bull-baiting dogs were crossed with smaller, quicker terriers to produce a more agile and athletic dog for fighting other dogs. All of these physical and mental characteristics have been carefully selectively bred into pit bull type dogs to make them suitable for these tasks. Seriously, are these the genetically hardwired selectively bred tasks you want in a dog that you expose your fellow citizens, friends and loved ones to? I would hope not, steer clear of pit bull type dogs and other bully breeds.

Pit bull type dogs have "abnormal" instincts bred into them such as a lack of fear and self-preservation, not to mention resistance to pain. The various traits bred into them makes them much more dangerous than other dogs, even ones who are larger and more powerful. The pit bull type dog problem is made far worse because well-meaning people do not understand dogs' behaviors. Human emotions and moralities are naively applied to dogs. When a pit bull type dog kills, it experiences the "emotion" of accomplishment and victory over the weak. A dog will not experience the same emotion of regret that a human may feel. Attempts at punishment would only be effective if applied a mere few seconds after the bad behavior. A human child can be punished weeks after the bad behavior and understand why they are being punished. The more primitive level of comprehension in a dog makes reward / punishment far more complex.

This issue has never been about which breeds bite the most. The issue with pit bull type dogs is the degree of damage they inflict, and their attacks being more likely to result in a fatality. Appellate courts across the United States have recognized the dangers of the pit bull breed for over 25 years.

According to case law, an "individual of ordinary intelligence" can identify a pit bull.

https://scholar.google.com/scholar_case?case=1496137140642653899&q

https://scholar.google.com/scholar_case?case=8956919589633806808&

Nichole Cartee was killed by her 10 year old raised from a pup pit bull. Loving owner, loving home. She did not train her dog to kill her.

<http://www.wyff4.com/news/witness-woman-killed-in-dog-attack/34866424>

Pit bull type dog activist page debunks the nanny dog myth;

<https://www.facebook.com/BADRAP.org/posts/10151460774472399>

<http://thetruthaboutpitbulls.blogspot.com/2010/08/nanny-dog-myth-revealed.html>

Newly adopted dogs that "passed" the temperament testing:

<http://www.americanews.com/story/society/2016/02/29/dad-saves-animal-half-hour-away-death-his-daughter-pays-price>

<http://longisland.news12.com/news/dog-adopted-by-patchogue-family-attacks-daughter-1.10815699>

<http://www.nbcnewyork.com/news/local/Rescued-Pit-Bull-Attacks-Teenage-Daughter-Euthanized-325519571.html>

<https://www.facebook.com/mary.urban.delaney/videos/10205426049553777/>

Pit bull type dogs attacking with wagging tails;

<https://youtu.be/0c1iFmYnzCk>

<https://youtu.be/ESHBBLeOaqk>

<https://youtu.be/M-iYiCBz7Uw>

<https://youtu.be/mPAqAqfX3es>

Pit bull type dogs attacking police;

https://youtu.be/TwoOvVah_oc

<https://youtu.be/EHalqefmOt4>

<https://youtu.be/TRk9OCU6SWM>

<https://youtu.be/BgcKOg1i31Y>

https://youtu.be/k_C4EY-11qM

Thank you for your consideration,

Lew Heifner

Volunteer and supporter of:

National Pit Bull Victim Awareness

www.dogsbite.org

www.daxtonsfriends.org

www.animals24-7.org

Tammy Coons

From: Colleen Lynn <colleen@dogsbite.org>
Sent: Tuesday, February 13, 2018 10:50 AM
To: tcoons@mchsi.com; smithcouncil@gmail.com; cashaffer16@gmail.com; johnmachart@gmail.com; bettyaweimer@gmail.com; councilkay2018@gmail.com; richcrumpanamosa@gmail.com
Subject: Level 1 Trauma Data - Keep your pit bull ban

Dear Anamosa City Council Members,

My name is Colleen Lynn and I am the founder of DogsBite.org, a national dog bite victims' advocacy group. You can learn more about my 10-year old nonprofit organization here: [About Us](#).

We strongly encourage you to keep your pit bull ban. Multiple studies in scientific medical journals confirm that pit bulls are inflicting a higher prevalence and higher severity of injuries than all other dog breeds.

Severe Injury Data is the Most Important Data

Since 2009, a dozen peer-reviewed studies from level 1 trauma centers located in all major geographical regions in the US report a higher prevalence of pit bull injuries. Since 2011, half of these studies (cited below) also report a higher severity of injury inflicted by pit bulls compared to all other breeds of dogs.

Of the 12 studies from level 1 trauma centers published in scientific medical journals since 2009, only one showed that pit bulls had a lower prevalence of injuries -- [Children's Hospital of Denver](#), consistent with Denver and the surrounding metropolitan regions enforcing longstanding pit bull bans.

It's reasonable for local governments to place restrictions on a class of dogs that statistically cause more harm to humans, especially children, when they attack. There are jurisdictions in [50 different countries worldwide](#) that regulate pit bulls. In 39 of those countries, the regulation is a national level law.

From the Pacific Northwest to the Northeast, Southeast, South, Southwest and to the coast of California, regional level 1 trauma hospitals are reporting similar findings, pit bulls are producing a higher severity of injuries, requiring operative intervention up to 3 to 5 times higher than all other dog breeds.

New York - Northeast (Maria Fareri Children's, Pediatric Level 1 Trauma Center) - 2017

- "Of the 56 cases that had an identified dog breed, pit bulls accounted for 48.2% of the dog bites, and 47.8% of pit bull bites required intervention in the operating room, which was 3 times more than other breeds."
- "Most notable was that of the 9 patients with extended hospitalization, 6 (66.7%) were caused by a pit bull that confirms our theory that this breed results in the most devastating injuries at our center."

Georgia - Southeast (Children's Healthcare of Atlanta, Pediatric Level 1 Trauma Center) - 2016

- "Pit bull bites were implicated in half of all surgeries performed and over 2.5 times as likely to bite in multiple anatomic locations as compared to other breeds."

- "Our data were consistent with others, in that an operative intervention was more than 3 times as likely to be associated with a pit bull injury than with any other breed."

Washington - Northwest (Harborview Medical Center - Level 1 Trauma Center) - 2015

- "This study is the first to accurately establish that pit bulls are the breed most commonly associated with ocular injuries (25%). Most alarming is the observation that when attacks come from unfamiliar dogs, the pit bull was responsible for 60% and 63% of all injuries and ocular injuries, respectively."

California - West (UC Davis Medical Center - Level 1 Trauma Center) - 2015

- **"Results:** Of the more than 8 different breeds identified, one-third were caused by pit bull terriers and resulted in the highest rate of consultation (94%) and had 5 times the relative rate of surgical intervention. Unlike all other breeds, pit bull terriers were relatively more likely to attack an unknown individual (+31%), and without provocation (+48%)."
- "Dog bites from pit bull terriers, compared to bites from all other dogs are more common, more severe, and not related to the dog being provoked."

Arizona - Southeast (Phoenix Children's Hospital, Pediatric Level 1 Trauma Center) - 2015

- "Pit bulls were most frequently responsible, accounting for 39% (83/213) of incidents in which dog breed was documented" ... "Among the 11 patients with the highest AIS (3–5), Pit bulls were responsible in 45.5% of cases ... Pit bulls were also responsible for 38% of all head, neck or face bites."
- "Dog familiarity did not confer safety, and in this series, Pit bulls were most frequently responsible. These findings have great relevance for child safety."

Texas - South (University Hospital San Antonio - Level 1 Trauma Center) - 2011

- **"Conclusions:** Attacks by pit bulls are associated with higher morbidity rates, higher hospital charges, and a higher risk of death than are attacks by other breeds of dogs. Strict regulation of pit bulls may substantially reduce the US mortality rates related to dog bites."

Sincerely,

Colleen Lynn
President & Founder
DogsBite.org

GUIDELINE FOR PARENTS

“Strong consideration to avoidance of any interaction between pit bull breeds and young children, particularly infants.”

QUOTES FROM STUDY

“Our data confirm what detractors of the breed and child advocates suggest – that, with rare exceptions, children and pit bulls do not mix well.”

“Our data were consistent with others, in that an operative intervention was more than 3 times as likely to be associated with a pit bull injury than with any other breed.”

“Our data revealed that pit bull breeds were more than 2.5 times as likely as other breeds to bite in multiple anatomical locations.”



**Characteristics of 1616
Consecutive Dog Bite
Injuries at a Single
Institution, by Michael S.
Golinko, MD, MA, Brian
Arslanian, MD, and Joseph
K. Williams, MD, FAAP,
Clinical Pediatrics, July 2016**



Colleen Lynn
Founder & President
DogsBite.org

Stay in touch with our cause - Subscribe to our email list!

DogsBite.org is a public education website about dangerous dogs, chiefly pit bulls. We are the primary 501(c)(3) nonprofit organization dedicated to putting the safety of humans before dogs and the principle source of information on this topic that is not owned, controlled, or funded by dog breeders, dog advocacy, veterinarian or animal welfare groups. We do not receive government or corporate funding; we rely on donations from the public and our supporters -- people like you. [Learn more about us »](#)



Donate to support our work

Find us on [Facebook](#) and [Twitter](#)

Tammy Coons

From: S May <s2000may@hotmail.com>
Sent: Tuesday, February 13, 2018 1:37 PM
To: tcoons@mchsi.com; smithcouncil@gmail.com; cashaffer16@gmail.com; johnmachart@gmail.com; bettyaweimer@gmail.com; councilkay2018@gmail.com; richcrumpanamosa@gmail.com
Subject: Keep the Pit Bull Ban

Dear Elected Officials and others,

Your constituents deserve public safety.

Your pit bull ban has been working. Most cities with pit bull bans have fewer severe attacks or fatalities. Please keep it that way.

As a concerned U.S. citizen and mother, I follow dog attacks very closely. Pit bulls have become a serious problem across America. I encourage you to google “pit bull attacks” or “pit bull attacks child”. Dogsbite.org , <http://www.nationalpitbullvictimawareness.org/> , and daxtonsfriends.com all track severe and deadly dog attacks. The pit bull problem will continue to grow with hundreds of victims in its wake. I think elected officials should address this issue and put public safety in the forefront.

I know Paige Woody and the complete story of her daughter’s attack. The owner of the dogs who mauled her child were put down, but the owner hasn’t paid a dime towards Zoey’s recovery expenses. <http://www.dailymail.co.uk/news/article-4368678/Girl-five-mauled-pit-bull-mix.html>

One of the most shocking cases in 2017 was this young woman, Bethany Stephens, who was killed and eaten by her two pit bulls. Her body was discovered the next day when she didn’t return from her walk.

“Let me cut right to the chase. The most important detail that we did not release because we were worried about the well being of the family, is that in the course of our trying to capture those dogs, early Friday morning, while we were talking about strategies to catch the dogs, we turned and looked, the dogs had gone back over to the body. I observed, as well as four other deputy sheriffs observed, the dogs eating the ribcage on the body.” (Sheriff James Agnew)

<http://blog.dogsbite.org/2017/12/pit-bulls-kill-owner-in-grisly-mauling.html>

Those of us who advocate for victims of dog attacks often say that pit bull type dogs are the “official dog of life flight.” We are mostly correct when stories break about a child or adult involving life flight. <http://blog.dogsbite.org/2017/03/newly-adopted-pit-bull-mix-attacks-boys-face-in-iowa.html>

In 2018, two people have been killed by pit bulls: Laura Ray, 53 years old and Rylee Dodge, 3 years old. Laura Ray was killed by a pit bull while feeding/cleaning its kennel and Rylee was killed by a pit bull her father adopted only five days previous to the attack. <https://www.dogsbite.org/dog-bite-statistics-fatalities-2018.php>

Pit bull “advocates” will often blame the victims after these deadly and violent attacks. That “somehow” they provoked the dog to kill them. Rather than admit that pit bulls are inherently dangerous, they blame anything but the dog. After seeing and reporting these daily on my Facebook pages, it is harder and harder to keep up with the constant attacks. Pets and livestock are also being killed by pit bulls daily. Between the attacks on humans and animals, it consumes most of my free time. <http://www.animals24-7.org/2017/01/11/record-32550-pit-bulls-killed-or-badly-injured-other-animals-in-the-u-s-in-2016/>

Pit bull advocates have PAC’s and lobbyists promoting the image of the pit bull as one that is misunderstood. Watch this well researched documentary on how victims of pit bull attacks and pit bull promoters are on the opposites of the issue:

<https://www.youtube.com/watch?v=iFa8HOdegZA>

<http://nationalpost.com/opinion/barbara-kay-pit-bull-lobby-put-on-its-heels-by-quebecs-dangerous-dog-bill-cbc-documentary>

HugABull Advocacy & Rescue Society advocate, April Fahr, submitted a formal complaint to Fifth Estate regarding the broadcast of “Pit Bulls Unleashed: Should they be banned?” The extent that bully advocates go to protect the image of pit bulls is astounding. <http://www.ombudsman.cbc.radio-canada.ca/en/complaint-reviews/2018/the-pit-bull-controversy/>

Even the Denver Post agrees with the ban on pit bulls: <http://www.ombudsman.cbc.radio-canada.ca/en/complaint-reviews/2018/the-pit-bull-controversy/>

People aren’t seeking legislative protection based on the belief all pit bulls are bad but based on the reality they carry far more risk to innocent people than non fighting breeds of dog. Just as the average person doesn’t want

to take the risk of being killed by a drunk driver, the average person also doesn't want to risk being maimed, mauled or killed by a fighting breed of dog. If they are incapable of understanding such basic self preservation, then there is little hope for them. It must be noted that these people are either risk takers or poor assessors of risk, and quite often have no idea they are putting themselves and others in harm's way.

Correct there are nice pit bulls. The problem is that you can't tell them apart from the pit bulls that decide to kill. Pit-bull type dogs are responsible for 95% of severe attacks (level 4-6 bites) on people, pets and livestock in breed neutral zones. Please follow for one month. You will be shocked at all the people and pets that are severely maimed or killed by pit bulls.

<http://www.nationalpitbullvictimawareness.org/>

Pit bulls were bred to kill other dogs. Please stop this.

Please put your communities first over ownership of a dangerous, and proven dangerous breed, above all else.

Thank you for your time.

Sarah May~Volunteer for and supporter of:

National Pit Bull Victim Awareness

Dogsbite.org

Daxtonsfriends.com

Animals 24-7

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To: Adrian Knuth
From: Jared Manternach
Re: Emotional Support Animals
Date: February 7, 2018

Issue: Whether there has been any change to the Iowa Code or the U.S. Code that expands the definition of Service Dog?

I. Iowa Code

Definition of Disability

Chapter 216.2(5)

- “Disability” means the physical or mental condition of a person which constitutes a substantial disability, and the condition of a person with a positive human immunodeficiency virus test result, a diagnosis of acquired immune deficiency syndrome, a diagnosis of acquired immune deficiency syndrome-related complex, or any other condition related to acquired immune deficiency syndrome. The inclusion of a condition related to a positive human immunodeficiency virus test result in the meaning of “disability” under the provisions of this chapter does not preclude the application of the provisions of this chapter to conditions resulting from other contagious or infectious diseases’
- Definition remains the same verbatim as it was in 2015

Definition of Assistive Animal

216C.11(1)

- “Service dog” means a dog specially trained to assist a person with a disability, whether described as a service dog, a support dog, an independence dog, or otherwise.
 - Same language as in 2015

- “Assistive animal” means a simian or other animal specially trained or in the process of being trained to assist a person with a disability.”
 - Definition remains the same as in 2015- “service dog is a dog specially trained to assist a person with a disability”

Who has the right to a service dog and in what places?

216C.11(2)

- “A person with a disability, a person assisting an individual with a disability, or a person training a service dog. They have the right to be accompanied by a service dog, under control, in any of the places listed in §216C.3 or §216.4”
 - Places listed under §216C.3
 - “Persons... with disabilities have the same right as other persons to the full and free use of the streets, highways, sidewalks, walkways, public buildings, public elevators, public facilities, and other public places.”
 - Same places as in 2015
 - Places listed under §216C.4
 - “Persons... with disabilities are entitled to full and equal accommodations, facilities, and privileges of all common carriers, airplanes, motor vehicles, railroad trains, motorbuses, streetcars, boats, other public conveyances or modes of transportation, hotels, lodging places, eating places, places of public accommodation, amusement, or resort, and other places to which the general public is invited...”
 - Same language as in 2015

Bred Specifications

As in 2015, the Code remains silent on what breeds of dog may be categorized as service dogs, so as long as the dog has been specially trained to assist a person with a disability, I believe Mr. Lange's summarization remains true.

"Support" vs. "Service" dog

As in 2015, the Code uses "support dog" as a synonym for "service dog." (I.e. Service dog means a dog specially trained to assist a person with a disability, whether described as a service dog, *a support dog*, an independence dog, or otherwise." §216C.11(1). As a result, Mr. Lang's assumption that an individual must meet the above definition of a disability and the dog must meet the definition of service dog in order for the dog to accompany the individual in public places remains correct.

Proposed Legislation

On January 10, 2018, Iowa House Representative Sandy Salmon introduced the bill *2017 Iowa House File No. 2001, Iowa Eighty-Seventh General Assembly - 2018 Session* "relating to service dogs and assistive animals in residential rental property, providing for landlord remedies to remove dogs and animals, and providing penalties for misrepresenting an animal as a service dog or assistive animal."

The proposal would allow a landlord to require a person with a disability to remove the person's service dog for a number of reasons including 5) "a person who knowingly misrepresents an animal as a service dog or assistive animal is, upon conviction, guilty of a simple misdemeanor. A person qualifies for knowingly misrepresenting an animal as a service dog if all of the following criteria are met:

- 1) “A person intentionally misrepresents an animal in the person’s possession as a service dog or assistive animal for the purpose of obtaining any of the rights or privileges set forth in this section by doing any of the following:”
 - A) Creating and providing a false document,
 - B) Fitting an animal with a harness, collar vest, or sign when the animal is not a service dog or assistive animal
 - C) Falsely stating the animal is a service dog or assistive animal
- 2) “The person was previously given a written or verbal warning that it is illegal to knowingly misrepresent an animal as a service dog or assistive animal.”
- 3) “The person knows that the animal is not a service dog or assistive animal or a service dog or assistive animal in training.”

II. United States Code

In 2015, Service Animal was defined as “any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Additionally, the work or tasks performed by a “service animal” must be directly related to the individual's disability. 28 C.F.R. § 35.104 (2015).

- Service animal means any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition. 28 C.F.R. § 35.104 (Current through February 8, 2018).

- “The work or tasks performed by a service animal must be directly related to the individual's disability. Examples of work or tasks include, but are not limited to, assisting individuals who are blind or have low vision with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, providing non-violent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting individuals to the presence of allergens, retrieving items such as medicine or the telephone, providing physical support and assistance with balance and stability to individuals with mobility disabilities, and helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors. The crime deterrent effects of an animal's presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purposes of this definition.” 28 C.F.R. § 35.104 (Current through February 8, 2018).

- The language is the same as of 2015.

§35.108 Definition of “Disability”

- Remains the same as in 2015- “(a)(1) Disability means, with respect to an individual:
 - (i) A physical or mental impairment that substantially limits one or more of the major life activities of such individual 28 C.F.R. § 35.108 (Current through February 8, 2018)

§35.108(b)(1) Physical or Mental Impairment Means:

- (i) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more body systems, such as: neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, immune, circulatory, hemic, lymphatic, skin, and endocrine; or
- (ii) Any mental or psychological disorder such as intellectual disability (**updated from mental retardation**), organic brain syndrome, emotional or mental illness, and specific learning disability.
- (2) Physical or mental impairment includes, but is not limited to, contagious and noncontagious diseases and conditions such as the following: orthopedic, visual, speech, and hearing impairments, and cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, intellectual disability, emotional illness, dyslexia and other specific learning disabilities, Attention Deficit Hyperactivity Disorder, Human Immunodeficiency Virus infection (whether symptomatic or asymptomatic), tuberculosis, drug addiction, and alcoholism.
- (3) Physical or mental impairment does not include homosexuality or bisexuality. 28 C.F.R. § 35.108 (Current Through February 8, 2018).
- **Other than the update from “mental retardation” to “intellectual disability” the statute remains the same**

§35.108(c)(1) Major life activities remains the same

- (i) Caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, sitting, reaching, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, writing, communicating, interacting with others, and working; and

- (ii) The operation of a major bodily function, such as the functions of the immune system, special sense organs and skin, normal cell growth, and digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, cardiovascular, endocrine, hemic, lymphatic, musculoskeletal, and reproductive systems. The operation of a major bodily function includes the operation of an individual organ within a body system. 28 C.F.R. § 35.108 (Current Through February 8, 2018)

§35.108(e) Has a Record of Such an Impairment

- (1) Has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities. 28 C.F.R. § 35.108 (Current Through February 8, 2018)
- **Same as in 2015**

§35.108 (g) Exclusions. The term “disability” does not include—

- (1) Transvestism, transsexualism, pedophilia, exhibitionism, voyeurism, gender identity disorders not resulting from physical impairments, or other sexual behavior disorders;
- (2) Compulsive gambling, kleptomania, or pyromania; or
- (3) Psychoactive substance use disorders resulting from current illegal use of drugs. 28 C.F.R. § 35.108 (Current Through February 8, 2018).
- **Remains the same as in 2015**

For 28 C.F.R. §35.136 the rule remains the same:

- (a) In general, if a dog meets the above requirements, “a public entity shall modify its policies, practices, or procedures to permit the use of a service animal by an individual with a disability

- (b) However, a public entity may ask the individual with the disability to remove the dog if (1) the dog is out of control and the handler does not take effective control; or (2) the animal is not housebroken

28 C.F.R. §35.136(d) Animal Under Handler's Control

- A service animal shall have a harness, leash, or other tether, unless either the handler is unable because of a disability to use a harness, leash, or other tether, or the use of a harness, leash, or other tether would interfere with the service animal's safe, effective performance of work or tasks, in which case the service animal must be otherwise under the handler's control (*e.g.*, voice control, signals, or other effective means).
- Same as in 2015

28 C.F.R. §35.136(f) Inquiries

- A public entity shall not ask about the nature or extent of a person's disability, but may make two inquiries to determine whether an animal qualifies as a service animal. A public entity may ask if the animal is required because of a disability and what work or task the animal has been trained to perform. A public entity shall not require documentation, such as proof that the animal has been certified, trained, or licensed as a service animal. Generally, a public entity may not make these inquiries about a service animal when it is readily apparent that an animal is trained to do work or perform tasks for an individual with disability (*e.g.*, the dog is observed guiding an individual who is blind or has low vision, pulling a person's wheelchair, or providing assistance with stability or balance to an individual with an observable mobility disability).
- Same as in 2015

28 C.F.R. §35.104

- As in 2015, “the crime deterrent effects of an animal’s presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purposes of this definition,” and therefore support animals are excluded from the definition of service animals

III. Conclusion

Due to the lack of change in both the state and federal law, Mr. Lang’s analysis remains current. There is nothing that excludes pit bulls from being a service animal. As long as the pit bull is specially trained to assist an individual with a disability, the pit bull should be allowed to serve as a service dog. However, there is a difference between emotional support dog and a service dog. In order to qualify for protection under either Iowa or federal law, an individual must have a disability that meets the definition under Iowa or federal law and the service animal must be specially trained to assist the individual with the disability. If either of these requirements are not met, the dog cannot be classified as a service animal and will not be treated as such.

IV. *Warren v. Delvista Towers Condominium Ass’n, Inc.*, 49 F. Supp 3d 1082, (S.D. FL. 2014).

Facts

Plaintiff was a resident of the respondent’s property. The respondent had a “no pet” policy. However, the plaintiff asked that the respondent make an exception because he was diagnosed with PTSD. The respondent denied this claim based on its own policy, but in addition because the support dog was a pit bull, which is banned by ordinance in Miami-Dade County. Id. at 1084.

Legal Standard

In order to “to prevail on a failure to accommodate claim pursuant to Section 3604(f)(3)(B) of the FHA, Plaintiff “must establish that (1) he is disabled or handicapped within the meaning of the FHA, (2) he requested a reasonable accommodation, (3) such accommodation was necessary to afford him an opportunity to use and enjoy his dwelling, and (4) the defendants refused to make the requested accommodation.” Id. at 1085-66. (Citing *Hawn v. Shoreline Towers Phase 1 Condo. Ass’n, Inc.*, 347 Fed.Appx. 464, 467 (11th Cir.2009) (quoting *Schwarz v. City of Treasure Island*, 544 F.3d 1201, 1218–19 (11th Cir.2008)). Defendants may avoid liability under these claims by alleging that “allowing Plaintiff to have an assistance animal would (1) impose an undue burden on the housing provider or would (2) fundamentally alter the nature of the provider's operations. Id. at 1087; citing *Schwarz*, 544 F.3d at 1220.

HUD issued a final rule in 2008 pursuant to 42 U.S.C. § 3614a providing that accommodations to allow an emotional support animal are generally reasonable and that emotional support animals do not require task specific training. Particularly, the rule states: emotional support animals provide very private functions for persons with mental and emotional disabilities. Specifically, emotional support animals by their very nature, and without training, may relieve depression and anxiety, and help reduce stress-induced pain in persons with certain medical conditions affected by stress. Id. 1087. In light of the HUD rule, it is of no moment whether Amir is specially trained.

Concerning the fact that the dog was a Pitbull, which is banned in the county, the district court ruled, “the HUD rulings and notices make clear that an emotional support animal need not be specifically trained because the symptoms the animal ameliorates are mental and emotional, rather than physical. Although the final rule was issued in regards to HUD-assisted public

housing and multifamily housing projects, the rationale is equally persuasive in this instance.” Id. Defendants may deny reasonable accommodations based on an undue administrative burden or a fundamental alteration to the nature of the operation, or if the “animal’s behavior poses a direct threat and its owner takes no effective action to control the animal’s behavior so that the threat is mitigated or eliminated.” Id.

Analysis

Here is the second last paragraph, which I deem to be most on-point: “In the present case, if the County ordinance were enforced it would violate the FHA by permitting a discriminatory housing practice. In failing to grant Plaintiff’s request to live with his assistance animal because of the dog’s alleged breed, Plaintiff is not afforded “an equal opportunity to use and enjoy [his] dwelling.” 24 C.F.R. § 100.204(b). Thus, the breed ban “stands as an obstacle” to the objectives of Congress in enacting the FHA, by allowing a condominium complex to prevent equal opportunities in housing based on the breed of a dog. *Jones*, 430 U.S. at 523, 97 S.Ct. 1305. Accordingly, as a matter of law, the Miami–Dade County ordinance is preempted by the FHA in this context. For purposes of Defendant’s motion, although Amir’s breed is disputed, it is immaterial to this case due to the FHA’s preemption of the ordinance. Fed.R.Civ.P. 56(a) (“The court shall grant summary judgment if the movant shows that there is no genuine dispute as to any *material* fact....”) (emphasis added).” Id. at 1089.

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To: ATK
From: MKL
Re: Emotion Support Animals
Date: August 18, 2015

Issue: Whether “emotional support animals” qualify as “service animals” under the Anamosa City Ordinances, the Code of Iowa, or the United States Code?

I. Anamosa City Ordinances

The Anamosa City Ordinances are silent as to the use of both “service animals” and “support animals” by persons with disabilities.

II. Iowa Code

Under the Iowa Code, three requirements must be met in order for an individual to be accompanied by a “service dog” in places of public accommodation. Iowa Code § 216C.11(1) (2015). First, the dog must meet the definition of “service dog”. Id. Under the Code, a “service dog” is a dog specially trained to assist a person with a disability, whether described as a “service dog”, a “support dog”, an “independence dog”, or otherwise.” Id.

Second, the individual must be disabled as defined by the Code. While Chapter 216C of the Code does not define the term “disability”, the Iowa Civil Rights Act of 1965, codified at Chapter 216 of the Code provides the following definition:

“‘Disability’ means the physical or mental condition of a person which constitutes a substantial disability, and the condition of a person with a positive human immunodeficiency virus test result, a diagnosis of acquired immune deficiency syndrome, a diagnosis of acquired immune deficiency syndrome-related complex, or any other condition related to acquired immune deficiency syndrome. The inclusion of a condition related to a positive human immunodeficiency virus test result in the meaning of ‘disability’ under the provisions of this chapter does not preclude the application of the provisions of this chapter to condition resulting from other contagious or infection diseases.” § 216.2(5).

Last, the service dog must accompany the individual for the express purposes of assisting the person with his or her disability. 216C.11(1) (2015). In the event all three requirements are met, the handler has the right to be accompanied by the service dog in the following places as long as the dog remains under control:

1) Streets, highways, sidewalks, walkways, public buildings, public elevators, public facilities, and other public places. Id at § 216C.11(2).

2) common carriers, airplanes, motor vehicles, railroad trains, motorbuses, streetcars, boats, other public conveyances or modes of transportation, hotels, lodging places, eating places, places of public accommodation, amusement, or resort, and other places to which the general public is invited...Id.

Additionally, the Code allows for two other persons to be accompanied by a service dog. A person assisting a person with a disability by controlling a service dog or an assistive animal, or a person training a service dog or an assistive animal has the right to be accompanied by a service dog or an assistive animal, under control, in any of the above referenced places. Id.

The Code is also silent as to the breed of dog that can qualify to be a “service dog”. Therefore, a pit bull or another breed closely related to the pit bull should qualify as a “service dog” as long as the above three requirements are met.

While the Iowa Code mentions “support dog” as another name for “service dog”, the Code does not provide a separate definition for “support dog”. Therefore, regardless of whether the individual labels his or her dog as a “service dog” or “support dog”, the individual must meet the above definition of disability and the dog must meet the above definition of “service dog” in order for the dog to accompany the individual to the above places.

III. United State Code

Federal law provides more guidance than is found in either Iowa law or the Anamosa City Ordinances. “Service animal” means any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Additionally, the work or tasks performed by a “service animal” must be directly related to the individual's disability. 28 C.F.R. § 35.104 (2015).

Examples of work or tasks include, but are not limited to,

“assisting individuals who are blind or have low vision with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, providing non-violent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting individuals to the presence of allergens, retrieving items such as medicine or the telephone, providing physical support and assistance with balance and stability to individuals with mobility disabilities, and helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors.” Id.

The United State Code of Federal Regulations defines disability as

“..[W]ith respect to an individual... [a] physical or mental impairment that substantially limits one or more major life activities of such individual; a record of such impairment; or being regarded as having such an impairment.

(1)(i) The phrase *physical or mental impairment* means—

(A) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: Neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, hemic and lymphatic, skin, and endocrine;

(B) Any mental or psychological disorder such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

(ii) The phrase *physical or mental impairment* includes, but is not limited to, such contagious and noncontagious diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness, specific learning disabilities, HIV disease (whether symptomatic or asymptomatic), tuberculosis, drug addiction, and alcoholism.

(iii) The phrase *physical or mental impairment* does not include homosexuality or bisexuality.

(2) The phrase *major life activities* means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

(3) The phrase *has a record of such an impairment* means has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.

(4) The phrase *is regarded as having an impairment* means—

(i) Has a physical or mental impairment that does not substantially limit major life activities but that is treated by a public entity as constituting such a limitation;

(ii) Has a physical or mental impairment that substantially limits major life activities only as a result of the attitudes of others toward such impairment; or

(iii) Has none of the impairments defined in paragraph (1) of this definition but is treated by a public entity as having such an impairment.

(5) The term *disability* does not include—

(i) Transvestism, transsexualism, pedophilia, exhibitionism, voyeurism, gender identity disorders not resulting from physical impairments, or other sexual behavior disorders;

(ii) Compulsive gambling, kleptomania, or pyromania; or

(iii) Psychoactive substance use disorders resulting from current illegal use of drugs. Id.

In the event, a person and dog meet the above requirements, public entities are required to modify their policies, practices, or procedures to allow for the use of “service animals” by persons with disabilities. 28 C.F.R. § 35.136(a) (2015). However, if a “service animal” is out of control and the individual has not taken effective action to control it, or the animal is not housebroke, a public entity has the ability to ask the individual with the disability to remove the “service animal” from the premises. Id. § 35.136(b).

The “service animal” shall have a harness, leash, or other tether, unless the handler is unable to use these because of his or her disability or the “service animal” is not able to perform its task because of these constraints. In these events, the individual must be able to control the “service animal” (e.g. voice control, signals, or other effective means). Id. at § 35.136(d).

A public entity, meaning a state or local government, is not allowed to ask about the nature or extent of a person’s disability. Id. at § 35.16(f). However, a public entity is allowed to ask the following two questions in order to determine if the animal qualifies as a service animal: 1) If the animal is required because of a disability and 2) what work or task the animal has been trained to perform. Id. A public entity shall not require documentation, such as proof that the animal has been certified, trained, or licensed as a “service animal”. Id. Generally, a public entity may not make these inquiries about a “service animal” when it is readily apparent that an animal is trained to do work or perform tasks for an individual with a disability (e.g., the dog is observed guiding an individual who is blind or has low vision, pulling a person's wheelchair, or providing assistance with stability or balance to an individual with an observable mobility disability). Id.

Additionally, emotional support animals are specifically excluded from the definition of service animals and are thus not provided the same privileges. *“The crime deterrent effects of an animal's presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purposes of this definition”*. Id. at § 35.104.

Federal law does not excludes pit bulls or any variation of the pit bull breed from performing as “service animals”. Therefore, as long as the pit bull is specially trained to assist an individual with a disability as defined under Federal law, the pit bull should be allowed to continue its duties as a “service animal”.

IV. CONCLUSION

The Anamosa City ordinances, the Iowa Code, and Federal law do not provide handlers of “emotional support” animals with the same rights given handlers of “service animals”. Providing emotional support, well-being, and comfort or companionship are not sufficient tasks to qualify a dog as a “service animal” or “service dog”. Therefore, in order to qualify for protection under either Iowa law or federal law, an individual must have a disability that meets the definition under either Iowa or federal law and the “service animal” must be specially trained to assist the individual with the disability. In the event these requirements are not met, a dog cannot be classified as a “service animal” and should not be treated as such.

RESOLUTION 2018-__

Resolution Establishing and Adopting Guidelines for Public Participation at City Council Meetings

WHEREAS, the City Council for the City of Anamosa, Iowa recognizes the importance of citizen participation in City matters; and

WHEREAS, the City Council wants to assure that citizens are heard and the Council meetings are conducted efficiently and in an organized manner, the following guidelines shall be adopted.

NOW, THEREFORE, It Is Resolved by the City Council of the City of Anamosa, Iowa, the following guidelines shall be adopted to allow citizens to speak on any issue at the Council meeting.

1. To speak on any issue – The citizen shall submit the item of discussion in writing to the City Administrator or City Clerk by the close of business on the Wednesday preceding the scheduled Council meeting and the item can be placed on the agenda.
2. To speak on a specific item listed on the Council agenda – Once the agenda item has been identified by the Mayor and there has been a first and second motion on the item, the Mayor will ask if there is any discussion and the citizen(s) may request permission to address the Council. The citizen will address the Council from the podium, stating their name and address for the record before addressing the Council. The Mayor may limit their time to 5 minutes and may also limit the address if this point of information has already been identified by another citizen.
3. To speak on a topic that is not on the agenda and a prior written request was not made – The citizen may address the Council on such a topic at the time the Mayor identifies the following agenda item “Public with Business with the Council on Items not on the Agenda”. As stated in No. 2 above, the Mayor may impose the same limits of time and point of information.
4. If a citizen is disruptive during the meeting, he/she may asked to leave the meeting in order for the Council to conduct business in an orderly and efficient manner.

All resolutions or parts thereof in conflict herewith are hereby repealed.

ORDINANCE NO. _____

**ORDINANCE AMENDING CHAPTER 55 OF THE CITY CODE (ANIMAL
PROTECTION AND CONTROL) TO DROP BREED SPECIFIC PROHIBITION**

WHEREAS Section 55.01(4) of the City Code in listing dangerous animals that are prohibited from being in the City includes all Pit bull terriers, Pit bull mixed breed dogs and any dog having the appearance and characteristics of being predominantly a Pit bull Terrier; and,

WHEREAS this Council is of the opinion it is not fair to categorically prohibit an entire breed of dogs but rather that the focus should be on individual dogs of vicious or threatening behavior;

BE IT RESOLVED, THEREFORE, that paragraph 55.01(4)(F) of the City Code is deleted in its entirety.

PASSED, ADOPTED AND APPROVED THIS ____ day of _____, 2018.

Dale Barnes, Mayor

ATTEST: _____
Tammy Coons, City Clerk

Amamosa School Board

EXAMPLE

Code No.:204.11

PUBLIC PARTICIPATION AT BOARD MEETINGS

Purpose: To provide guidelines for the public's participation at Board meetings.

Policy: The Board recognizes the importance of citizen participation in school district matters. In order to assure citizens are heard and Board meetings conducted efficiently and in an organized manner, the following guidelines shall be used.

To speak on any issue at a Board meeting, citizens shall:

- (1) Previously have submitted an item for the agenda and then address that issue when recognized by the Board President or:
- (2) Ask to speak on a specific agenda item by informing the Board Secretary during the opening of the Board meeting. The citizen shall be allowed to speak on the agenda item when that item is addressed on the agenda. The citizen shall address the item before the Board discusses or takes action on the agenda item. The Board President may limit the allotted time to 5 minutes per individual.
- (3) Ask to speak during the Communication from Individuals & Delegation portion of the meeting. Any citizen addressing the Board during the Communication from Individuals & Delegation portion may speak on an item not listed on the agenda. The Board President may limit the allotted time to 3 minutes per individual. Any citizen addressing the Board during the Communication from Individuals & Delegation portion shall conduct himself/herself with respect and decorum. If any citizen begins to talk about a specific individual, and therefore is violating that individual's legal right to privacy, the person will be stopped immediately. No action will be taken on Communication from Individuals & Delegation items, but the citizen will be directed to take their concern to the appropriate staff member.
- (4) If a citizen is disruptive during the meeting, he/she may be asked to leave the meeting in order for the Board to conduct business in an orderly and efficient manner.

Legal References: Iowa Code, Section 21, Chapter 279.8

Approved
Reviewed 1/18/99
Revised 11/20/00
Reviewed 2/19/01
Reviewed 11/7/05
Revised 1/18/10
Reviewed 2/4/13

INDUSTRIAL USER WASTEWATER DISCHARGE PERMIT

CITY OF ANAMOSA, IOWA

Location of Facility

Anamosa State Penitentiary

406 N High Street

Anamosa, IA 52205

9223 – CORRECTIONAL INSTITUTIONS
3479 – COATING, ENGRAVING, AND ALLIED SERVICES

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Permit term shall not exceed five (5) years post issue date, per 40 CFR 403.8(f)(1). This permit is issued for a period of five (5) years.

Renewal application must be received in City Hall at least 180 days prior to expiration.

The City of Anamosa hereby authorizes the above named Permittee to discharge wastewater into the City's sanitary sewer system in accordance with the effluent limitations, monitoring requirements, and other terms set forth in this permit. The Permittee will be responsible for providing appropriate wastewater pretreatment and wastewater monitoring facilities as required to comply with this permit.

This permit is issued pursuant to Iowa Administrative Code [567] Chapter 62, and Title 40, Part 403 of the Code of Federal Regulations. The permit is non-transferable and shall not be sold or reassigned to a new owner or different user without prior approval from the City. The City reserves the right to modify this permit for good cause at any time.

Compliance with this permit does not relieve the Permittee from its obligation to comply with other applicable regulations under local, state, or federal laws, including any such regulations or laws that may become effective during the term of this permit. Noncompliance with any term or condition of this permit shall constitute a violation of City Ordinance Chapter 95 and may result in revocation of the permit.

Date: _____

Date: _____

1. DESCRIPTION OF FACILITY AND PRETREATMENT PROCESS

Anamosa State Penitentiary (ASP) is a maximum security prison operated by the State of Iowa Department of Corrections.

The ASP wastewater system collects wastewater from sinks, toilets, floor drains and direct discharge lines from housing units, dietary, laundry, support buildings, maintenance, and industrial facilities of the ASP site.

Industrial facilities include metal finishing, custom woodworking, braille transcription, sign and license plate manufacturing, print shop, soap shop, and farming operations.

Discharge pretreatment consists of preliminary treatment in the form of a comminutor/grinder followed by screening to break down larger debris to reduce the possibility of affecting the POTW gravity sewer system.

2. DISCHARGE LOCATION Effluent Sampling Station

3. CLASSIFICATION OF FACILITY (check one)

Significant Industrial User (NCSIU). Includes users that discharge an average of 25,000 gallons per day or more of process wastewater to the City's wastewater treatment plant; users with waste streams that make up 5 percent or more of the hydraulic or organic load capacity of the City's wastewater treatment plant; and any other users determined by the City to have a reasonable potential for adversely affecting the City's wastewater treatment plant or for violating any pretreatment standard.

Categorical Industrial User (CIU). Includes users subject to Categorical Pretreatment Standards per 40 CFR 403.6. Specific categories are listed in 40 CFR Parts 405-471.

4. CATEGORICAL PRETREATMENT STANDARDS

This facility is subject to the following Categorical Pretreatment Standards:

National Categorical Pretreatment Standard	Code Section of 40 CFR Rules
Metal Finishing	40 CFR Part 433.17

5. EFFLUENT LIMITATIONS

You are prohibited from discharging wastewater to the City's wastewater collection system and treatment plant except in compliance with the effluent limits, as defined on the current Iowa Department of Natural Resources Treatment Agreement Form.

Specific pollutant limitations

No industry shall discharge wastewater containing pollutants which in combination with other discharges would cause the loadings at the introduction into the treatment plant to exceed the limits in the City's current NPDES Permit.

6. MONITORING REQUIREMENTS

The monitoring requirements under this permit are to be as directed by City of Anamosa NPDES Permit.

7. RESPONSIBILITY FOR SAMPLING, MONITORING AND ANALYSIS

Monitoring samples shall be collected downstream of any pretreatment facilities, prior to dilution with any non-regulated wastewater stream and prior to discharge to the City's sanitary sewer system.

Sampling, monitoring, and analysis under this permit will be as follows ~~(check all that apply)~~:

Sampling, monitoring, and analysis shall be performed by the City in lieu of Permittee as provided in 40 CFR 403.12(g)(1). Permittee shall not be responsible for any sampling, monitoring, or analysis.

Flow monitoring equipment shall be provided and maintained by the Permittee at the following location(s): Downstream of ASP collection system before entering City collection system.

Composite sampler(s) shall be provided and maintained by the Permittee at the following location(s): Downstream of ASP screening device.

If routine sampling, monitoring, or analysis is performed by the City in lieu of Permittee, the Permittee may be required to reimburse the City for expenses incurred. The Permittee may also be required to reimburse the City for the costs of providing and maintaining flow monitoring equipment or composite samplers. All samples and measurements shall be taken at the monitoring locations specified in this permit (unless otherwise noted) and must be representative of the conditions being monitored. The Permittee shall not change, alter, or remove any monitoring or sampling equipment without prior approval from the City. Sampling and monitoring equipment provided by the Permittee shall be maintained by the Permittee in good working order at Permittee's own expense. The Permittee shall immediately notify the City of any problems and promptly repair or replace any sampling or monitoring equipment that is not functioning properly. Spare parts shall be kept available at the Permittee's facility as necessary to make routine repairs. Flow monitoring equipment shall be calibrated at least once a year to ensure accuracy. The calibration shall be performed by a qualified third party acceptable to the City. The Permittee will be responsible for securing the third party to perform the calibration. The calibration shall ensure that accuracy is consistent with the accepted capability for that type of flow monitoring device and does not deviate by more than ten percent from true discharge rates throughout the range of expected discharge volumes. Calibration reports shall be submitted to the Wastewater Superintendent at least annually and more often if monitoring problems indicate the need for more frequent calibration.

Permittee shall be equipped with a sampling station at a point of effluent discharge. The sampling station shall have a flow meter, drain and light source. The station maybe in-house or at an exterior location. An exterior location must be enclosed, heated and adequately accessible. All samples shall be kept refrigerated at 4 degrees Celsius. If Permittee is out of compliance with this ordinance, the Control Authority may request renovations or relocation of said sampling stations.

8. TEST METHODS. *40 CFR 403.12(g)(5)*

Samples must be analyzed using approved methods specified in 40 CFR Part 136 and amendments thereto. Recognized laboratory manuals such as "Standard Methods for the Examination of Water and Wastewater" (current edition) may be used as a reference.

9. USE OF CERTIFIED LABORATORIES. *IAC 567-63.1(4)*

All testing must be done by laboratories certified by the State of Iowa under one or more of Iowa's environmental laboratory certification programs in accordance with IAC 567 Chapter 83. Routine on-site monitoring for pH, temperature, dissolved oxygen, total residual chlorine, and settleable solids, are excluded from this requirement (reference IAC 567-63.1(4)).

10. RECORDKEEPING. *40 CFR 403.12(o)* and *IAC 567-63.2*

The City shall maintain records of all monitoring activities in accordance with 40 CFR 403.12(o) and IAC 567-63.2. The records shall include: (1) Date, time, and place of sampling; (2) Name of person who collected the samples or took the measurements; (3) Method of sampling used; (4) Dates when samples were analyzed; (5) Name of person who performed the analysis; (6) Analytical techniques used; (7) Results of the analysis; and (8) Name and identification number of Iowa-certified testing laboratory that did the analysis. The City shall keep these records on-site at its facility and retain them for a minimum of three years. These records shall be available for the Permittee to review during normal working hours but do not need to be submitted to the Permittee unless specifically requested. Permittee shall keep Operation and Maintenance Records of their wastewater treatment facility, and shall furnish them at City's request, in order to establish Permittee's adequacy in operating and maintaining their facility to meet the discharge requirements specified herein.

11. PERIODIC MONITORING REPORTS. *40 CFR 403.12(e) and (h)*

The Permittee will be responsible for periodic monitoring reports as follows (~~check one~~):

Periodic monitoring reports are not required. Permittee is exempt under 40 CFR 403.12(g)(1) and is not required to submit periodic monitoring reports to the City because either: (1) the Facility is a Non-Significant Industrial User; or (2) Sampling and analysis is performed by the City in lieu of the Permittee and the information for the reports is collected by the City itself

12. ACCESS BY CITY.

The City or its duly authorized representative(s) shall be allowed to enter the Permittee's premises at reasonable times as necessary to collect effluent samples or conduct surveillance inspections. The City shall be allowed access to all sampling and monitoring locations, areas where wastewater treatment is performed, and any areas where pollutants could enter the sewer. The Permittee is responsible for maintaining access to all sampling and monitoring locations and shall keep the sampling and monitoring locations cleared of snow and ice as necessary. Permittee may also be required to erect shelter buildings over sampling manholes, flow monitoring structures, and other outdoor monitoring locations where deemed necessary by the City.

13. SLUG CONTROL PLAN. *40 CFR 403.8(f)(2)(vi) and City Code Chapter 95*

A slug discharge is an accidental spill, release, bypass, or other non-routine discharge that has a reasonable potential to cause interference or pass through at the City's wastewater treatment plant causing or contributing to noncompliance resulting in violate of any regulation or National Pollution Discharge Elimination System (NPDES) permit limit by the City. A slug control plan is a management strategy to prevent slug discharges and mitigate adverse impacts. Federal code Section 40 CFR 403.8(f)(2)(vi) requires the City to evaluate each industrial user at least one time to determine if the facility is required to have a slug control plan or implement other measures to prevent slug discharges. This evaluation has resulted in the following determination under this permit (check one):

This facility does not need a slug control plan. The facility does not have a reasonable potential to cause slug discharges or has implemented appropriate measures to prevent slug discharges.

Slug control plans are required to contain the following elements: (1) Description of discharge practices including non-routine batch discharges; (2) Description of storage facilities for all chemicals; (3) Procedures for immediately notifying the City of any slug discharge with follow-up written notification within five days; and (4) Procedures for preventing adverse impacts from spills including inspection and maintenance of chemical storage areas, material handling areas, loading and unloading operations, control of site run-off, worker training, spill containment structures and/or measures and equipment for emergency response. If the facility has other plans or reports that contain the information needed for a slug control plan these other plans or reports may be used as attachments to the slug control plan. Examples of other plans or reports that may be used include "Spill Prevention and Countermeasure (SPCC) Plans" and "Hazardous Chemical Inventory Reports".

The Permittee is required to notify the City immediately of any changes at its facility that could affect the potential for a slug discharge so the City may re-evaluate slug control measures if necessary.

14. NOTICE OF POTENTIAL PROBLEMS, INCLUDING SLUG LOADING. *40 CFR 403.12(f)*

Permit holder must immediately notify the City of any discharges that could cause problems with the City's wastewater treatment facilities including spills, slug loadings, and discharges that would violate a prohibited discharge standard under 40 CFR 403.5. The Permittee shall additionally provide follow-up written notification of such problems to the City within five (5) days as required in 40 CFR 403.8(f)(2)(vi)©.

15. NOTICE OF VIOLATION AND REPEAT SAMPLING. *40 CFR 403.12(g) (2)*

If sampling performed by the Permittee indicates a violation, the Permittee shall notify the City within 24 hours of becoming aware of the violation as provided in 40 CFR 403.12(g)(2). The Permittee shall also repeat the sampling and analysis for the parameter that had the violation and submit the results of the repeat analysis to the City within 30 days after becoming aware of the violation. If the sampling was performed by the City in lieu of the Permittee, the repeat sampling and analysis will be done by the City unless it notifies the Permittee of the violation and requires the Permittee to perform the repeat analysis. Repeat sampling will not be required if the parameter that had the violation is regularly sampled and tested at least once a month.

16. NOTIFICATION OF CHANGED DISCHARGE. *40 CFR 403.12(j) and City Code Chapter 95*

The Permittee shall promptly notify the City in advance of any substantial change in the volume or character of any pollutants in its effluent discharge. This includes pollutants subject to the hazardous waste notification requirements in 40 CFR 403.12(p) as described below.

17. NOTIFICATION OF HAZARDOUS WASTE DISCHARGE. *40 CFR 403.12(p) and City Code Chapter 97*

If the Permittee discharges more than fifteen kilograms per month of any substance to the City's treatment plant that would be considered hazardous waste under 40 CFR 261, the Permittee must submit a one-time written notification to the City of Anamosa, the EPA Regional Waste Management Division, and the Iowa Department of Natural Resources. Written notification is also required if the Permittee discharges any amount of any substance that would be considered "acute" hazardous waste as specified in 40 CFR 261.30(d) or 261.33(e). The notification must include the name of the hazardous waste as set forth in 40 CFR 261, the EPA hazardous waste number, and type of discharge (continuous, batch, or other). If the amount of hazardous waste exceeds 100 kilograms per month, the notification shall also include: (1) an identification of the hazardous constituents in the wastes; (2) an estimate of the mass and concentration of hazardous constituents discharged during that calendar month; and (3) an estimate of the mass of constituents expected to be discharged during the following twelve months. All notifications must be accompanied by a certification that the Permittee has a waste reduction program in place to reduce the volume and toxicity of hazardous wastes generated to a degree it has determined to be economically practical. The notification must be submitted within 180 days after the discharge of hazardous waste begins and is also required within 90 days after the effective date of any rule changes that reclassify existing wastes as hazardous wastes. The notification needs to be submitted only once for each hazardous waste that is discharged, however, if there are any changes in the volume or character of the waste a notification of "changed discharge" must be submitted as specified in 40 CFR 403.12(j). Pollutants already reported under the self-monitoring requirements of 40 CFR 403.12(b), (d), and (e) are exempt from the notification requirements.

18. UPSET NOTIFICATION. *40 CFR 403.16*

An Upset is defined as an exceptional incident in which there is unintentional and temporary noncompliance with pretreatment standards due to factors beyond the reasonable control of the Permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed or inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation. If the Permittee experiences an upset that results in temporary noncompliance, the Permittee shall inform the City within 24 hours of becoming aware of the upset and provide a follow-up written report to the City within five (5) days. The report shall contain: (1) a description of the upset and its cause; (2) the duration of noncompliance including exact dates and times and/or anticipated time the noncompliance is expected to continue if the problem has not yet been corrected; (3) steps taken or planned to reduce, eliminate, and prevent any further upsets or noncompliance. An upset may be used as an affirmative defense in enforcement proceedings if the Permittee can establish that the noncompliance was caused by an upset and can also demonstrate that the pretreatment facility was being operated in a prudent and workman-like manner at the time the upset occurred. The Permittee shall have the burden of proof in establishing that an upset occurred.

19. BYPASS NOTIFICATION. *40 CFR 403.17*

A bypass is an intentional diversion of a waste stream from any portion of a treatment facility. All bypasses are prohibited except for emergency bypasses and planned bypasses. Emergency bypasses will only be permitted if they are essential to prevent loss of life, personal injury, or severe property damage and there is no feasible alternative to the bypass. Planned bypasses will only be permitted if they are essential for maintenance purposes and do not cause any violations of pretreatment standards. If the Permittee knows in advance of the need for a bypass, it shall submit written notice to the City at least ten (10) days prior to the date of the bypass if possible. If a bypass results in noncompliance (even a planned bypass for maintenance purposes) or an unanticipated bypass occurs, the Permittee must inform the City within 24 hours after becoming aware of the noncompliance and must submit a follow-up written report to the City within five days. The report shall contain: (1) a description of the bypass and its cause; (2) the duration of bypass including exact dates and times and/or anticipated time the bypass is expected to continue if the problem has not yet been corrected; (3) steps taken or planned to reduce, eliminate, and prevent any further bypasses.

20. SPECIAL REPORTS FOR CATEGORICAL USERS. 40 CFR 403.12(b), (c), and (d)

Categorical Industrial Users are required to submit the following reports:

Baseline Monitoring Report (BMR). 40 CFR 403.12(b). New facilities that will be subject to a categorical standard must submit a baseline monitoring report to the City at least 90 days prior to commencement of discharge. Existing facilities that become subject to a new categorical standard after the facility was built must submit a baseline report to the City within 180 days after the effective date of the new standard. Baseline reports shall contain all the information listed in 40 CFR 403.12(b) (1) through (5).

For existing facilities, the baseline reports shall additionally contain a certification by a qualified professional as required in 40 CFR 403.12(b) (60). The certification shall indicate whether applicable pretreatment standards are being met, and, if not, specify whether additional pretreatment facilities are required to meet the standards. If the facility is unable to meet the pretreatment standards, it must submit a compliance schedule to the City as required in 40 CFR 403.12(b) (7). The compliance schedule shall contain dates for major events leading to the construction of a new wastewater pretreatment facility or upgrade of an existing facility as necessary to achieve compliance. Examples of major events include hiring of an engineer, begin design, complete design, and start construction, complete construction, performance testing, and final compliance.

Compliance Schedule Progress Reports. 40 CFR 403.12(c). If an existing facility is subject to a compliance schedule under 40 CFR 403.12(b)(7) it must submit progress reports to the City no later than 14 days after each date in the schedule and no more than 9 months apart. Progress reports shall indicate the status of the project and whether or not it is on schedule. If the project is falling behind, the report shall indicate the reason for the delay, steps being taken to return to schedule, and a statement of when the project is expected to be back on schedule. The City will review these reports to track the progress of the work.

90-Day Compliance Report. 40 CFR 403.12(d). New facilities that are subject to a categorical standard must submit a compliance report to the City within 90 days after commencement of discharge. Existing facilities that became subject to a new categorical standard must submit a compliance report to the City within 90 days after the final compliance date specified in a categorical standard or within 90 days after the compliance date specified by the City, whichever is earlier. Compliance reports shall include flow measurements and pollutant measurements along

with their applicable pretreatment limits and certification by a qualified professional indicating whether the pretreatment standards are being met. If the standards are not being met, the report must specify how compliance will be achieved.

The Baseline Monitoring Report and 90-Day Compliance Report must include the certification statement in 40 CFR 403.6(a) (2) (ii) and be signed in accordance with the signatory requirements in 40 CFR 403.12(l).

21. PROHIBITED DISCHARGES. *40 CFR 403.5 and City Code Chapter 97*

The Permittee shall not discharge any pollutants prohibited under 40 CFR 403.5 or City Code Chapter 97. Prohibited discharges include, but are not limited to, the following:

- (a) Pollutants which create a fire or explosion hazard including gasoline, benzene, solvents, and other substances with a closed cup flashpoint of less than 60 degrees Centigrade (140 degrees Fahrenheit).
- (b) Corrosive substances or wastewater having a pH above 9.5 or less than 5.5.
- (c) Solid or viscous pollutants including grease, sludge, garbage, fax, wax, tar, rags, wood, etc., which may obstruct flow or interfere with the treatment works.
- (d) Any pollutant in an amount that will cause interference at the City's treatment works, including oxygen demanding pollutants such as BOD.
- (e) Heat in amounts which will inhibit biological activity at the treatment works or cause the temperature at the treatment works to exceed 40 degrees Centigrade (104 degrees Fahrenheit), but in no case wastewater having a temperature higher than 65 degrees Centigrade (150 degrees Fahrenheit).
- (f) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through the treatment works.
- (g) Toxic liquids, solids, gases, vapors, or fumes that may cause health or safety problems.
- (h) Any wastewater containing medical wastes or radioactive wastes.
- (i) Any wastewater with an objectionable color not removed in the treatment process including dyes.
- (j) Any trucked or hauled pollutants, except at discharge points designated by the City.
- (k) Any substance that may interfere with the City's treatment works or cause violation of its NPDES permit.

22. SIGNIFICANT NONCOMPLIANCE. *40 CFR 403.8(f)(2)(viii)*

The Permittee will be considered to be in "significant non-compliance" for any of the following:

- (a) Any other serious violation of a pretreatment standard or requirement if the City determines that the violation caused significant interference or noncompliance at the City's wastewater treatment plant.
- (b) Any discharge of a pollutant that has caused imminent risk to human health or welfare, or endangered the environment, or resulted in the City exercising its emergency authority to halt or prevent such a discharge under 40 CFR 403.8(f)(1)(vi)(B).
- (c) Failure to meet a compliance schedule deadline within 90 days after the completion date in the schedule.
- (d) Failure to submit a required report within 45 days after the due date.
- (e) Failure to accurately report noncompliance or violations.
- (f) Any other violation or group of violations that adversely affect the operation of the City's treatment plant.

23. DUTY TO HALT OR PREVENT DISCHARGE. 40 CFR 403.8(f)(1)(vi)(B)

The Permittee shall immediately halt and/or prevent discharge of pollutants to the City upon informal notice by the City that the discharge presents an imminent risk to the health or welfare of persons, endangers the environment, or threatens to interfere with the operation of the City's wastewater treatment plant.

24. DILUTION.

The Permittee shall not dilute its effluent with potable water or any other water in an attempt to meet the effluent limits in this permit. Dilution will not be allowed as a substitute for proper treatment.

25. ENFORCEMENT PROCEDURE. 40 CFR 403.8(f)(1)(vi)(A)

- (a) Surcharges: The City Administrator shall levy surcharges for any discharge(s) that exceed a monthly average BOD₅ concentration of 230 mg/L.
- (b) Surcharge Rates: The rates for BOD₅ shall be according to those rates found in this permit.
- (c) Violations and Enforcement: Noncompliance with this permit may result in assessment of penalties or fines in amounts of up to \$1,000 per day per violation. Continued noncompliance may result in enforcement proceedings, administrative orders, compliance schedules, and/or renovation of this permit.

The attached chart (provided at the end of this permit) further outlines types of violations and specifies POTW actions (initial and escalated), timeframes, and the official responsible for completing the actions. This chart shall be considered a part of this Discharge Permit.

26. RECOVERY OF COSTS.

The rates for providing treatment shall be based upon the current City rates for residential use.

(a) The current Base Rate shall be:

- *Option A: Based upon the facility as a whole with a multiplier of 1.*
- *Option B: Based upon the current census housing density for the City, used as a factor in determining the equivalent housing density permittee's facility, and using this equivalent housing for the base rate multiplier. (Currently=430)*
- *Option C: Based upon the annual average number of occupied cells as reported by the permittee on an annual basis, prior to the start of the fiscal year, and using this number for the base rate multiplier. (Currently=750)*
- *Option D: The annual average number of residents as reported by the permittee on an annual basis prior to the start of the fiscal year. (Currently=930)*

In addition to basic charges for normal sewer service, the Permittee shall be responsible for the following additional costs:

- (b) Costs of any loss, damage, or expense incurred by the City because of Permittee's discharge.
- (c) Costs of any cleaning or repair work required because of Permittee's discharge.
- (d) Assessment of penalties or fines for violations of this permit or City Ordinance.
- (e) Surcharges for BOD₅ in excess of 230 mg/l shall be \$1.066/lb BOD₅.
- (f) The average monthly BOD₅ load subject to a surcharge shall be calculated by the following formula:

$$\text{(Month Ave BOD}_5 \text{ mg/l} - 230 \text{ mg/l)} \times \text{(Month Ave Flow MGD)} \times (8.34) \times \text{(}\# \text{ days in Month)} = \text{BOD}_5 \text{ lbs/Month}$$

- (g) The surcharge fee has been based off of the actual cost to treat BOD₅ which has been calculated in the past. The current surcharge fee of \$1.066/lb BOD₅ shall remain in effect until a new calculation is completed and is mutually agreed upon by both parties.

27. CONTINUATION OF EXPIRED PERMITS.

An expired permit will continue to be effective and enforceable until a new permit is issued if the Permittee filed for renewal at least 180 days prior to the permit's expiration date and the delay in reissuing a new permit was not caused by any fault of the Permittee.

ANTICIPATED ENFORCEMENT ACTIONS/PROCEDURES

Unpermitted Discharge

Type of Violation	Industrial Pretreatment Program Action	Timeframe	Responsible Official	Expected Action from User	Escalated Action if Needed
Unpermitted Discharge (Unaware of Requirement)	Notice of Non-Compliance	Within 30 Days of Discovery of Discharge	Wastewater Superintendent	File Permit Application	Violation; Suspend Service Until Permit Is Issued
Unpermitted Discharge (Aware of Requirement)	Notice of Violation with Penalty Assessed	Within 30 Days of Discovery of Discharge	City Administrator	File Permit Application	Suspend Service Until Permit Is Issued
Unpermitted Discharge (Resulting in Violation at WWTP)	Order to Cease Process Causing Violation; Notice of Violation with penalty per day per violation per established tiered penalty structure	Order to Cease Immediately; Notice of Violation within 15 days	City Administrator	File Permit Application; Report Steps Taken to Prevent Violation	Suspend Service Until Permit Issued
Unpermitted Discharge (Resulting in Endangerment)	Suspend Service; Notice of Violation with penalty per day per violation per established tiered penalty structure	Suspend Service Immediately; Notice of Violation within 15 days	City Administrator	File Permit Application; Report Steps Taken to Prevent Future Endangerment	Not Applicable

Permit Limit Violations

Type of Violation	Industrial Pretreatment Program Action	Timeframe	Responsible Official	Expected Action from User	Escalated Action if Needed
Permit Limits Violation Single Event (Minor)	Notice of Non-Compliance or Notice of Violation	Within 30 days of receiving data	Wastewater Superintendent	Conduct Additional Monitoring and Return to Compliance	Notice of Violation with Penalty
Permit Limits Violation	Notice of Violation with penalty per day per violation per established tiered penalty structure	Within 30 days of Receiving Data	City Administrator	Conduct Additional Monitoring and Return to Compliance	Second Notice of Violation with Increased Penalty
Permit Limits Violation Significant Non-Compliance	Notice of Violation with penalty per day per violation per established tiered penalty structure	Within 30 days of Receiving Data	City Administrator	Report cause of Non-Compliance and Steps Taken to Prevent Violation	Enforceable Schedule; Suspend Service if Inadequate Action is Taken
Permit Limits Violation (Resulting in Violation at WWTP)	Order to Cease Process Causing Violation Notice of Violation with penalty per day per violation per established tiered penalty structure	Order to Cease Immediately Notice of Violation Within 15 days of Discovering Violation	City Administrator	Report cause of Non-Compliance and Steps Taken to Prevent Violation	Suspend Service Until Resolved; Enforceable Schedule



FEBRUARY 26, 2018

**CITY OF ANAMOSA &
ANAMOSA STATE PENITENTIARY
INDUSTRIAL WASTEWATER RATE
AND TREATMENT AGREEMENTS**

Background

- City of Anamosa accepts and treats wastewater conveyed from Anamosa State Penitentiary (ASP)
- City and ASP operate under agreements which set rates and limits for wastewater

Agreement Types

- **Treatment Agreement**
 - Required by DNR for all Significant Industrial Users
 - Establishes flow and effluent limits from Industry to City
 - Requires City and Industry authorization
 - Incorporated into NPDES Wastewater Permit
 - DNR does not get involved with rates for treatment
- **Rate Agreement**
 - Considerations for cost to treat wastes
 - Guidelines for procedures and protocols

Agreement Types

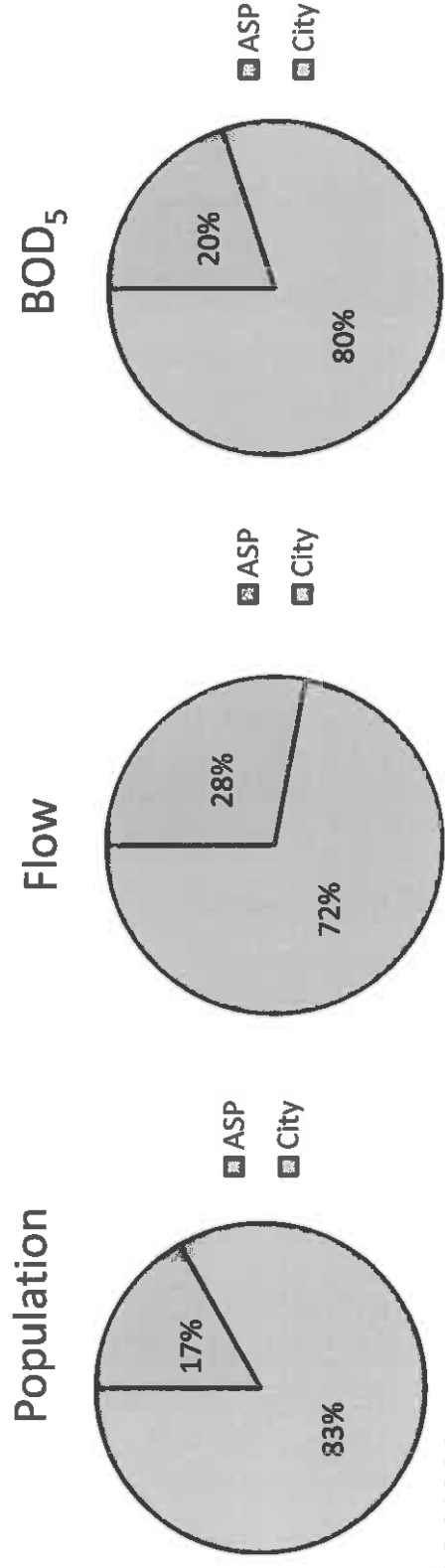
- **Treatment Agreement with ASP**
 - Updated and Approved by DNR in Dec 2016
 - I'm sure everyone remembers my presentation!
 - Temporary – due to unresolved flow issues at ASP
 - DNR is satisfied with current Treatment Agreement
- **Rate Agreement with ASP**
 - Last updated by City in 2007
 - Due to DNR mandated updates to Treatment Agreement, City felt it was time to consider updates to Rate Agreement

Rate Considerations

- Cost to treat wastewater
 - Based on flow, strength
 - Approx. \$1.1M/year to treat 1.1MGD
- Existing domestic and commercial rates
 - Domestic: \$24 Base Rate + \$4.10/100 CF
 - No industrial rates?

ASP % Usages

- Population
 - ASP averages 930 residents
- Flow
 - ASP averages 300,000 gpd
- BOD₅
 - ASP averages 280 lb/day



Current Rate Structure

- Base Rate \$24 + \$4.10/100 CF
- Surcharge \$1.066/lb BOD₅
 - In excess of 230 mg/L monthly average
 - Based on 2006 WWTP Operating Costs
- Typical Month ~ 300,000 gpd
- Typical Bill ~ \$50,999/month

Future Rate Considerations

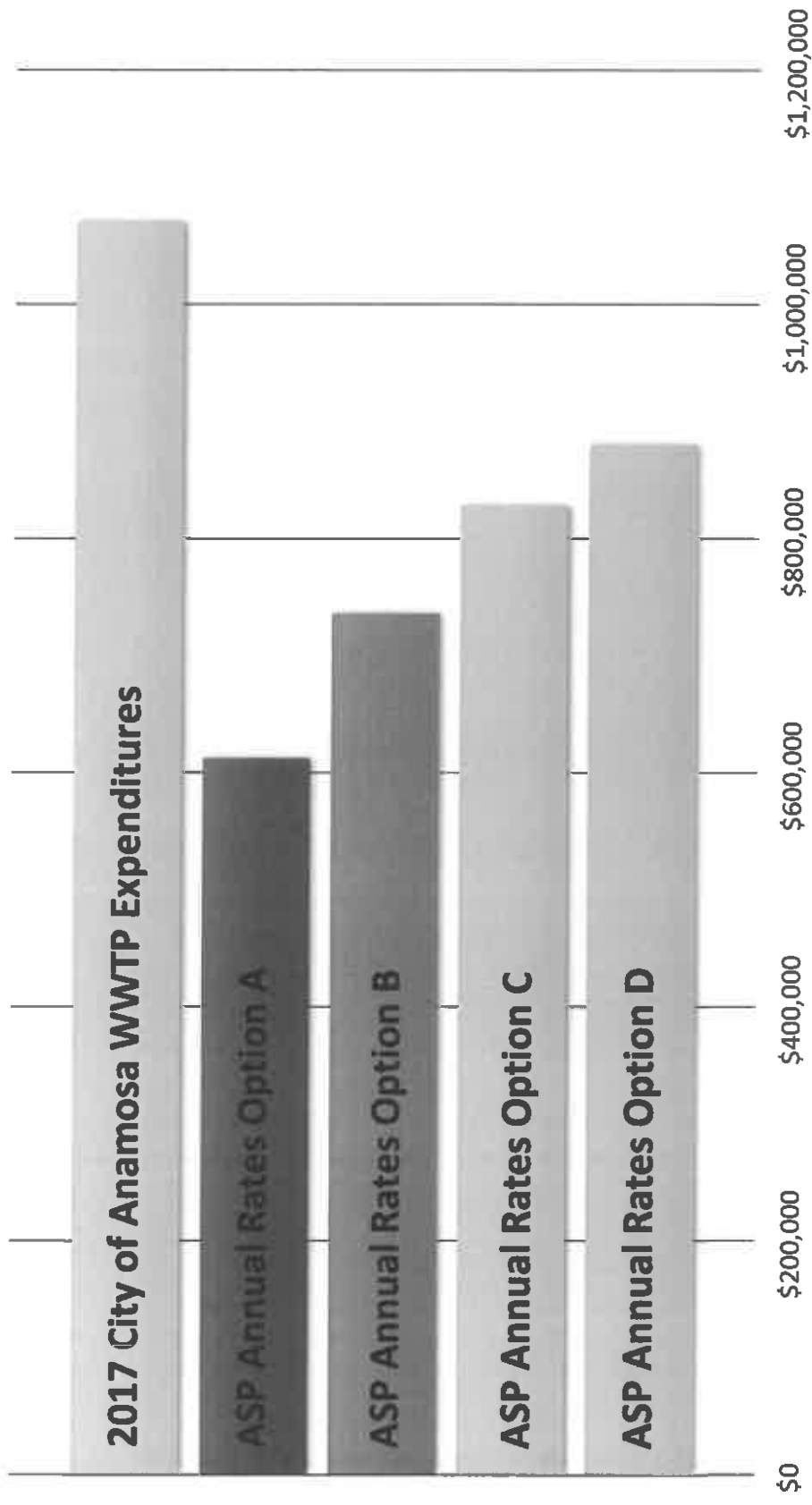
- Option A: Retain current base rate for 1 dwelling unit at \$24/month
- Option B: 2010 Census housing density 2.16 for Anamosa; assume same for ASP to create population equivalent ($930 \div 2.16$) of 430 at \$24/month
- Option C: Utilize number of occupied cells with base rate for 750 dwelling units at \$24/month
- Option D: Utilize number of residents with base rate for 930 residents at \$24/month

Future Rate Considerations

Option	Base Rate Changes	Monthly Bill	Annual Cost
A) Current Rate	(1) X \$24 + \$50,975	\$50,999	\$611,988
B) 430 Equivalent Households	(430) X \$24 + \$50,975	\$61,295	\$735,540
C) 750 Cells	(750) X \$24 + \$50,975	\$68,975	\$827,700
D) 930 Residents	(930) X \$24 + \$50,975	\$73,245	\$879,540

- Surcharges for high strength wastes or effluent violations not included
- Commercial “shops” not included
- Employee count not included

Proposed Rates vs Expenditures



Timeline of Rate Increases

- Proposed to start increased rates July 1, 2018
- Proposed to halve the rate increases for first FY



▷ 8710 Earhart Lane SW | Cedar Rapids, IA 52404
Main 319.841.4000 • Fax 319.841.4012

HRGREEN.COM

January 30, 2018

Tammy Coons
City of Anamosa
107 South Ford Street
Anamosa, Iowa 52205

Dear Tammy,

Enclosed are 3 copies of the Contractor's Application for Payment No. 4 for the Water Treatment Expansion Project and reflects work completed through January 22, 2018. We have reviewed the payment application and recommend full partial payment in the amount of \$72,675.00 to Calacci Construction Co., Inc. After the City has approved this payment application, please distribute one original copy to me and one original copy to John Adam with Calacci Construction when the payment is made.

If you have any questions regarding this payment application, please feel free to contact me at (319) 841-4379.

Sincerely,

HR GREEN, INC.

A handwritten signature in black ink, appearing to read 'Jerry Phipps'.

Jerry Phipps, PE

Project Manager

Cc: Heath Picken, HR Green

Application and Certificate For Payment

To: City of Anamosa
107 S. Ford St.
Anamosa, IA 52205

Project: Water Treatment Plant Expansion
City of Anamosa, IA

Application No.: 4
Application Date: 22-Jan-18
Period To: 22-Jan-18
Project #: 17-020
Contract Date: 9/14/2017
Contract For: General Construction

Distribution To:
Owner: 4
Architect: 1
Contractor: 1
Other: 0

From: Calacel Construction Co., Inc.
P.O. Box 1906
Iowa City, IA 52244-1906

CC Architect

CONTRACTOR'S APPLICATION FOR PAYMENT

Application is made for payment, as shown below, in connection with the Contract.
A continuation sheet is attached.

1. ORIGINAL CONTRACT SUM	\$ 1,899,000.00
2. Net Change by Change Orders	\$ -
3. CONTRACT SUM TO DATE	\$ 1,899,000.00
4. TOTAL COMPLETED AND STORED TO DATE	\$ 385,750.00

5. RETAINAGE

a. 5% of Completed Work	\$ 19,287.50
b. 5% of Stored Material	\$ -
Total Retainage	\$ 19,287.50
6. TOTAL EARNED LESS RETAINAGE	\$ 366,462.50
7. LESS PREVIOUS CERTIFICATES FOR PAYMENT	\$ 293,787.50
8. CURRENT PAYMENT DUE	\$ 72,675.00
9. BALANCE TO FINISH INCLUDING RETAINAGE	\$ 1,532,537.50

CHANGE ORDER SUMMARY	ADDITIONS	DEDUCTIONS
TOTAL CHANGES APPROVED IN PREVIOUS MONTHS BY OWNER	0	0
TOTAL APPROVED THIS MONTH	0	0
TOTALS	0	0
NET CHANGES BY CHANGE ORDER	0	0

ARCHITECT'S CERTIFICATION FOR PAYMENT

In accordance with the Contract Documents and based on the observations and the data comprising this application, the Architect certifies to the Owner that to the best of the Architect's knowledge, limitations and belief the Work has progressed as indicated, the quality of the Work is in accordance with the Contract Documents and the Contractor is entitled to the AMOUNT CERTIFIED.

AMOUNT CERTIFIED: **72,675.00**

ARCHITECT:

BY: Gadd Shipper

DATE: **1-30-18**

This certificate is not negotiable. The Amount Certified is payable only to the Contractor named herein and issuance, payment and acceptance of payments are without prejudice to any rights of the Owner or Contractor under the this Contract.

Approved by the City of Anamosa

Date:

The undersigned Contractor certifies that to the best of the Contractor's knowledge, limitations and belief the Work covered by this Application for Payment has been completed in accordance with the Contract Documents, that all amounts have been paid by the Contractor for work for which previous Certificates for Payment were certified and payments received from the Owner, and that current payment shown herein is now due.

Contractor: Calacel Construction Co., Inc.

By: [Signature] Date: 22-Jan-18

John J. Adam, Project Manager

State of: Iowa County of: Johnson

Subscribed and sworn before me this 22nd day of January 2018

John J. Adam, Project Manager personally appeared before me, the undersigned

notary public and provided satisfactory evidence or identification to be

the person who signed this document in my presence and swore or

affirmed that to me that the contents of this document are true and

to the best of his/her knowledge and belief.

Notary Public: [Signature] My Commission Expires:



Calacat Construction Co., Inc.		Architect:	HR Green, Inc.	Owner:	City of Anamosa				
Schedule of Values		1670 East 1st Lane SW		107 S. Ford St.					
Water Treatment Plant Expansion		Cedar Rapids, IA		Anamosa, IA 52205					
City of Anamosa, IA									
A	B	C	D	E	F	G	H	I	
Item	Description of Work	Schedule Value	Work Completed From Previous Applications	This Period	Materials Presently Stored	Total Completed and Stored to Date	%	Balance to Finish	Rollback
1	Board & Insurance	45000	45000	0	0	45000	100	0	2250
2	General Conditions	245000	43000	20000	0	65000	26	181000	3250
3	Mobilization	25000	25000	0	0	25000	100	0	1250
4	Section 02 41 13 - Salvage Site Demolition	20000	20000	0	0	20000	80	5000	1000
5	Section 03 00 00 - Concrete (Labor)	95000	15000	0	0	15000	16	80000	750
6	Section 03 00 00 - Concrete (Materials)	75000	12000	0	0	12000	16	63000	600
7	Section 04 20 00 - Masonry (Labor)	84000	4750	14000	0	18750	29	45250	937.5
8	Section 04 20 00 - Masonry (Material)	60000	14000	40000	0	54000	90	6000	2700
9	Section 05 12 00 - Structural Framing (Labor)	15000	0	0	0	0	0	15000	0
10	Section 05 12 00 - Structural Framing (Material)	20000	0	0	0	0	0	20000	0
11	Section 05 21 00 - Steel Joists (Labor)	20000	0	0	0	0	0	20000	0
12	Section 05 21 00 - Steel Joists (Material)	2500	0	0	0	0	0	2500	0
13	Section 06 31 00 - Steel Deck (Labor)	5000	0	0	0	0	0	5000	0
14	Section 06 31 00 - Steel Deck (Material)	3986	0	0	0	0	0	3986	0
15	Section 05 50 00 - Metal Fabrications (Labor)	2300	0	0	0	0	0	2300	0
16	Section 05 50 00 - Metal Fabrications (Material)	4500	0	0	0	0	0	4500	0
17	Section 05 00 00 - Woods & Plastics (Labor)	2300	0	0	0	0	0	2300	0
18	Section 05 00 00 - Woods & Plastics (Material)	2500	0	0	0	0	0	2500	0
19	Section 07 21 00 - Building Insulation	4500	0	0	0	0	0	4500	0
20	Section 07 27 26 - Fluid Applied Membrane	46400	2500	0	0	2500	100	0	125
21	Section 07 84 23 - EPDM Roofing	300	0	0	0	0	0	300	0
22	Section 07 84 13 - Flashing	4000	0	0	0	0	0	4000	0
23	Section 07 81 00 - Prefabricated Joint Seals	5000	0	0	0	0	0	5000	0
24	Section 07 82 00 - Joint Sealants	3500	0	0	0	0	0	3500	0
25	Section 08 11 13 - Hollow Metal Doors (Material)	10000	0	0	0	0	0	10000	0
26	Section 08 38 13 - Sectional Doors	8542	0	0	0	0	0	8542	0
27	Section 08 38 13 - Sectional Doors (Labor)	1325	0	0	0	0	0	1325	0
28	Section 08 53 13 - Vinyl Windows (Labor)	1500	0	0	0	0	0	1500	0
29	Section 08 53 13 - Vinyl Windows (Material)	3000	0	0	0	0	0	3000	0
30	Section 08 71 00 - Hardware (Labor)	6163	0	0	0	0	0	6163	0
31	Section 08 71 00 - Hardware (Material)	1100	0	0	0	0	0	1100	0
32	Section 08 80 00 - Glazing	3000	0	0	0	0	0	3000	0
33	Section 09 22 16 - Gyp Board Assemblies (Labor)	700	0	0	0	0	0	700	0
34	Section 09 22 16 - Gyp Board Assemblies (Material)	1200	0	0	0	0	0	1200	0
35	Section 09 51 13 - Acoustical Panel Ceiling (Labor)	860	0	0	0	0	0	860	0
36	Section 09 51 13 - Acoustical Panel Ceiling (Material)	41958	0	0	0	0	0	41958	0
37	Section 09 50 00 - Painting (Labor)	600	0	0	0	0	0	600	0
38	Section 10 00 00 - Specialties (Labor)	900	0	0	0	0	0	900	0
39	Section 10 00 00 - Specialties (Material)	8000	0	0	0	0	0	8000	0
40	Section 12 00 00 - Cold Lab Casework	100000	0	0	0	0	0	100000	0
41	Section 22 00 00 - Plumbing (Labor)	60000	0	0	0	0	0	60000	0
42	Section 22 00 00 - Plumbing (Material)	20000	0	0	0	0	0	20000	0
43	Section 23 00 00 - HVAC (Labor)	27300	0	0	0	0	0	27300	0
44	Section 23 00 00 - HVAC (Material)	82750	0	0	0	0	0	82750	0
45	Section 25 00 00 - Integrated Automation	30000	0	0	0	0	0	30000	0
46	Section 26 00 00 - Electrical (Labor)	24687	50000	0	0	50000	100	0	2500
47	Section 26 00 00 - Electrical (Material)	13500	13500	0	0	13500	100	0	675
48	Section 31 05 13 - Aggregate Piers (Labor)	39000	39000	0	0	39000	77	9000	1600
49	Section 31 05 13 - Aggregate Piers (Material)	45000	35000	0	0	35000	78	10000	1750
50	Section 33 00 00 - Utilities (Labor)	2000	0	0	0	0	0	2000	0
51	Section 33 00 00 - Utilities (Material)	134687	0	0	0	0	0	134687	0
52	Section 48 31 11 - Gas Chlorination Systems (Labor)	1500	0	0	0	0	0	1500	0
53	Section 48 31 11 - Gas Chlorination Systems (Material)	134687	0	0	0	0	0	134687	0
54	Section 48 33 83 - Liquid Chemical Equipment (Labor)	8300	0	0	0	0	0	8300	0
55	Section 48 33 83 - Liquid Chemical Equipment (Material)	245625	0	0	0	0	0	245625	0
56	Section 48 61 27 - Vertical Pressure Piers (Labor)	0	0	0	0	0	0	0	0
57	Section 48 61 27 - Vertical Pressure Piers (Material)	0	0	0	0	0	0	0	0
Totals		\$ 1,889,000.00	\$ 309,250.00	\$ 76,500.00	\$ 385,750.00	\$ 1,515,250.00	20%	\$ 1,515,250.00	\$ 19,287.50



▷ 8710 Earhart Lane SW | Cedar Rapids IA 52404
Main 319.841.4000 • Fax 319.841.4012

February 14, 2018

Tammy Coons
City of Anamosa
107 South Ford Street
Anamosa, Iowa 52205

Dear Tammy,

Enclosed are 3 copies of the Contractor's Application for Payment No. 5 for the Water Treatment Expansion Project and reflects work completed through February 19, 2018. We have reviewed the payment application and recommend full partial payment in the amount of \$115,235.00 to Calacci Construction Co., Inc. After the City has approved this payment application, please distribute one original copy to me and one original copy to John Adam with Calacci Construction when the payment is made.

If you have any questions regarding this payment application, please feel free to contact me at (319) 841-4379.

Sincerely,

HR GREEN, INC.

A handwritten signature in black ink, appearing to read 'Jerry Phipps'.

Jerry Phipps, PE

Project Manager

Cc: Heath Picken, HR Green

Application and Certificate For Payment

To: City of Anamosa
107 S. Ford St.
Anamosa, IA 52205

Project: Water Treatment Plant Expansion
City of Anamosa, IA

From: Calacel Construction Co., Inc.
P.O. Box 1906
Iowa City, IA 52244-1906

CC Architect

Application No.: 5 Distribution To:
Application Date: 19-Feb-18 Owner: 4
Period To: 19-Feb-18 Architect: 1
Project #: 17-020 Contractor: 1
Contract Date: 8/14/2017 Other:
Contract For: General Construction

CONTRACTOR'S APPLICATION FOR PAYMENT

Application is made for payment, as shown below, in connection with the Contract.
A continuation sheet is attached.

1. ORIGINAL CONTRACT SUM	\$ 1,899,000.00
2. Net Change by Change Orders	-
3. CONTRACT SUM TO DATE	\$ 1,899,000.00
4. TOTAL COMPLETED AND STORED TO DATE	\$ 507,050.00
5. RETAINAGE	

a. 5% of Completed Work	\$ 25,352.50
b. 5% of Stored Material	-
Total Retainage	\$ 25,352.50
6. TOTAL EARNED LESS RETAINAGE	\$ 481,697.50
7. LESS PREVIOUS CERTIFICATES FOR PAYMENT	\$ 366,462.50
8. CURRENT PAYMENT DUE	\$ 115,235.00
9. BALANCE TO FINISH INCLUDING RETAINAGE	\$ 1,417,302.50

CHANGE ORDER SUMMARY	ADDITIONS	DEDUCTIONS
TOTAL CHANGES APPROVED IN PREVIOUS MONTHS BY OWNER	0	
TOTAL APPROVED THIS MONTH	0	
TOTALS	0	0
NET CHANGES BY CHANGE ORDER		0

ARCHITECT'S CERTIFICATION FOR PAYMENT

In accordance with the Contract Documents and based on the observations and the data comprising this application, the Architect certifies to the Owner that to the best of the Architect's knowledge, limitations and belief the Work has progressed as indicated, the quality of the Work is in accordance with the Contract Documents and the Contractor is entitled to the AMOUNT CERTIFIED.

AMOUNT CERTIFIED:

115,235.00

ARCHITECT:

BY:

Carol Shipper

DATE:

2-19-18

This certificate is not negotiable. The Amount Certified is payable only to the Contractor named herein and issuance, payment and acceptance of payments are without prejudice to any rights of the Owner or Contractor under the this Contract.

Approved by the City of Anamosa

Date:

The undersigned Contractor certifies that to the best of the Contractor's knowledge, limitations and belief the Work covered by this Application for Payment has been completed in accordance with the Contract Documents, that all amounts have been paid by the Contractor for work for which previous Certificates for Payment were certified and payments received from the Owner, and that current payment shown herein is now due.

Contractor: Calacel Construction Co., Inc.

By:

[Signature]

Date:

19-Feb-18

John J. Adam, Project Manager

State of: Iowa

County of: Johnson

Subscribed and sworn before me this 19th day of February 2018

John J. Adam, Project Manager personally appeared before me, the undersigned

notary public and provided satisfactory evidence or identification to be the person who signed this document in my presence and swore or affirmed that to me that the contents of this document are true and correct to the best of his/her knowledge and belief.

Notary Public: *[Signature]*

My Commission Expires:

[Signature]

ALICIA L. MAIN
Commission Number 762654
My Commission Expires: 2-13-20

Calced Construction Co., Inc.			Architect:		Owner:				
Schedule of Values			HR Green, Inc.		City of Annapolis				
Project: Water Treatment Plant Expansion			8710 Earhart Lane SW		107 S. Ford St.				
City of Annapolis, VA			Cedar Rapids, IA		Annapolis, VA 22205				
A	B	C	D	E	F	G	H	I	
Item	Description of Work	Scheduled Value	From Previous Application	Work Completed This Period	Materials Presently Stored	Total Completed and Stored to Date	%	Balance to Finish	Percentage
1	Band & Language	45000	45000	0		45000	100	0	2250
2	General Conditions	245000	69000	15000		80000	33	185000	4000
3	Mobilization	28500	25000	0		25000	100	0	1250
4	Section 02 41 13 - Seawall Site Dampproof	25000	20000	0		20000	80	5000	1000
5	Section 02 00 00 - Concrete (Labor)	95000	15000	1000		25000	26	55800	1250
6	Section 03 00 00 - Concrete (Material)	75000	12000	8000		20000	26	55800	1000
7	Section 04 20 00 - Masonry (Labor)	64000	18750	13500		32250	50	31750	1617.5
8	Section 04 20 00 - Masonry (Material)	80000	64000	3000		67000	85	3000	2850
9	Section 05 12 00 - Structural Framing (Labor)	15000	20000	20000		18000	100	0	750
10	Section 05 12 00 - Structural Framing (Material)	20000	8000	5000		20000	100	0	1000
11	Section 05 21 00 - Steel Joists (Labor)	20000	20000	20000		5000	83	1000	250
12	Section 05 21 00 - Steel Joists (Material)	8000	2800	0		20000	100	0	1000
13	Section 05 31 00 - Steel Deck (Labor)	2800	0	5000		0	0	2500	0
14	Section 05 31 00 - Steel Deck (Material)	3385	0	0		6000	100	0	250
15	Section 05 50 00 - Metal Fabrications (Labor)	3385	0	0		0	0	3385	0
16	Section 05 50 00 - Metal Fabrications (Material)	2300	2300	0		2300	100	0	115
17	Section 06 00 00 - Woods & Plastics (Labor)	4500	0	0		0	0	4500	0
18	Section 06 00 00 - Woods & Plastics (Material)	2500	2500	0		0	0	2500	0
19	Section 07 21 00 - Building Installation	2500	2500	0		2500	100	0	125
20	Section 07 27 25 - Fluid Applied Membrane	4500	4500	0		4500	100	0	225
21	Section 07 84 13 - Firestopping	300	0	0		0	0	4500	0
22	Section 07 84 13 - Firestopping	4000	0	0		0	0	300	0
23	Section 07 82 00 - Joint Sealants	5000	0	0		0	0	4000	0
24	Section 08 11 13 - Heavy Metal Doors (Labor)	3500	0	0		0	0	5000	0
25	Section 08 11 13 - Heavy Metal Doors (Material)	10000	0	0		0	0	3500	0
26	Section 08 38 13 - Structural Doors	5542	0	0		0	0	10000	0
27	Section 08 53 13 - Vinyl Windows (Labor)	1325	0	0		0	0	8542	0
28	Section 08 53 13 - Vinyl Windows (Material)	1500	0	0		0	0	1325	0
29	Section 08 71 00 - Hardware (Labor)	3000	0	0		0	0	1500	0
30	Section 08 71 00 - Hardware (Material)	1100	0	0		0	0	3000	0
31	Section 08 80 00 - Glazing	3000	0	0		0	0	6183	0
32	Section 09 22 18 - Girt Board Assemblies (Labor)	700	0	0		0	0	1100	0
33	Section 09 22 18 - Girt Board Assemblies (Material)	1320	0	0		0	0	3000	0
34	Section 09 51 13 - Acoustical Panel Ceiling (Labor)	890	0	0		0	0	1320	0
35	Section 09 51 13 - Acoustical Panel Ceiling (Material)	41958	0	0		0	0	890	0
36	Section 10 00 00 - Steel Joists (Labor)	600	0	0		0	0	600	0
37	Section 10 00 00 - Steel Joists (Material)	900	0	0		0	0	500	0
38	Section 12 00 00 - Plumbing (Labor)	100000	0	0		0	0	8000	0
39	Section 12 00 00 - Plumbing (Material)	89000	0	0		0	0	100000	0
40	Section 22 00 00 - HVAC (Labor)	22000	0	0		0	0	69000	0
41	Section 22 00 00 - HVAC (Material)	27300	0	0		0	0	20000	0
42	Section 23 00 00 - Electrical (Labor)	62730	0	0		0	0	92750	0
43	Section 23 00 00 - Electrical (Material)	24657	0	0		0	0	24657	0
44	Section 26 00 00 - Intergrated Automation	50000	0	0		0	0	50000	0
45	Section 26 00 00 - Intergrated Automation	13500	0	0		0	0	13500	0
46	Section 31 88 13 - Addressable Pans (Labor)	30000	0	0		0	0	8000	0
47	Section 31 88 13 - Addressable Pans (Material)	35000	0	0		0	0	10000	0
48	Section 33 00 00 - Utilities (Labor)	2000	0	0		0	0	2000	0
49	Section 33 00 00 - Utilities (Material)	134987	0	0		0	0	134987	0
50	Section 46 31 11 - Gas Chlorination Systems (Labor)	1500	0	0		0	0	1500	0
51	Section 46 31 11 - Gas Chlorination Systems (Material)	134987	0	0		0	0	134987	0
52	Section 46 33 83 - Liquid Chemical Endowment (Labor)	5300	0	0		0	0	8300	0
53	Section 46 33 83 - Liquid Chemical Endowment (Material)	245925	0	0		0	0	245925	0
54	Section 46 61 27 - Vertical Pressure Piping (Labor)	0	0	0		0	0	0	0
55	Section 46 61 27 - Vertical Pressure Piping (Material)	0	0	0		0	0	0	0
56	Section 46 61 27 - Vertical Pressure Piping (Material)	0	0	0		0	0	0	0
57	Section 46 61 27 - Vertical Pressure Piping (Material)	0	0	0		0	0	0	0
58	Section 46 61 27 - Vertical Pressure Piping (Material)	0	0	0		0	0	0	0
59	Section 46 61 27 - Vertical Pressure Piping (Material)	0	0	0		0	0	0	0
60	Section 46 61 27 - Vertical Pressure Piping (Material)	0	0	0		0	0	0	0
61	Section 46 61 27 - Vertical Pressure Piping (Material)	0	0	0		0	0	0	0
62	Section 46 61 27 - Vertical Pressure Piping (Material)	0	0	0		0	0	0	0
63	Section 46 61 27 - Vertical Pressure Piping (Material)	0	0	0		0	0	0	0
64	Section 46 61 27 - Vertical Pressure Piping (Material)	0	0	0		0	0	0	0
65	Section 46 61 27 - Vertical Pressure Piping (Material)	0	0	0		0	0	0	0
66	Section 46 61 27 - Vertical Pressure Piping (Material)	0	0	0		0	0	0	0
67	Section 46 61 27 - Vertical Pressure Piping (Material)	0	0	0		0	0	0	0
68	Section 46 61 27 - Vertical Pressure Piping (Material)	0	0	0		0	0	0	0
69	Section 46 61 27 - Vertical Pressure Piping (Material)	0	0	0		0	0	0	0
70	Section 46 61 27 - Vertical Pressure Piping (Material)	0	0	0		0	0	0	0
71	Section 46 61 27 - Vertical Pressure Piping (Material)	0	0	0		0	0	0	0
72	Section 46 61 27 - Vertical Pressure Piping (Material)	0	0	0		0	0	0	0
73	Section 46 61 27 - Vertical Pressure Piping (Material)	0	0	0		0	0	0	0
74	Section 46 61 27 - Vertical Pressure Piping (Material)	0	0	0		0	0	0	0
75	Section 46 61 27 - Vertical Pressure Piping (Material)	0	0	0		0	0	0	0
76	Section 46 61 27 - Vertical Pressure Piping (Material)	0	0	0		0	0	0	0
77	Section 46 61 27 - Vertical Pressure Piping (Material)	0	0	0		0	0	0	0
78	Section 46 61 27 - Vertical Pressure Piping (Material)	0	0	0		0	0	0	0
79	Section 46 61 27 - Vertical Pressure Piping (Material)	0	0	0		0	0	0	0
80	Section 46 61 27 - Vertical Pressure Piping (Material)	0	0	0		0	0	0	0
81	Section 46 61 27 - Vertical Pressure Piping (Material)	0	0	0		0	0	0	0
82	Section 46 61 27 - Vertical Pressure Piping (Material)	0	0	0		0	0	0	0
83	Section 46 61 27 - Vertical Pressure Piping (Material)	0	0	0		0	0	0	0
84	Section 46 61 27 - Vertical Pressure Piping (Material)	0	0	0		0	0	0	0
85	Section 46 61 27 - Vertical Pressure Piping (Material)	0	0	0		0	0	0	0
86	Section 46 61 27 - Vertical Pressure Piping (Material)	0	0	0		0	0	0	0
87	Section 46 61 27 - Vertical Pressure Piping (Material)	0	0	0		0	0	0	0
88	Section 46 61 27 - Vertical Pressure Piping (Material)	0	0	0		0	0	0	0
89	Section 46 61 27 - Vertical Pressure Piping (Material)	0	0	0		0	0	0	0
90	Section 46 61 27 - Vertical Pressure Piping (Material)	0	0	0		0	0	0	0
91	Section 46 61 27 - Vertical Pressure Piping (Material)	0	0	0		0	0	0	0
92	Section 46 61 27 - Vertical Pressure Piping (Material)	0	0	0		0	0	0	0
93	Section 46 61 27 - Vertical Pressure Piping (Material)	0	0	0		0	0	0	0
94	Section 46 61 27 - Vertical Pressure Piping (Material)	0	0	0		0	0	0	0
95	Section 46 61 27 - Vertical Pressure Piping (Material)	0	0	0		0	0	0	0
96	Section 46 61 27 - Vertical Pressure Piping (Material)	0	0	0		0	0	0	0
97	Section 46 61 27 - Vertical Pressure Piping (Material)	0	0	0		0	0	0	0
98	Section 46 61 27 - Vertical Pressure Piping (Material)	0	0	0		0	0	0	0
99	Section 46 61 27 - Vertical Pressure Piping (Material)	0	0	0		0	0	0	0
100	Section 46 61 27 - Vertical Pressure Piping (Material)	0	0	0		0	0	0	0
101	Section 46 61 27 - Vertical Pressure Piping (Material)	0	0	0		0	0	0	0
102	Section 46 61 27 - Vertical Pressure Piping (Material)	0	0	0		0	0	0	0
103	Section 46 61 27 - Vertical Pressure Piping (Material)	0	0	0		0	0	0	0
104	Section 46 61 27 - Vertical Pressure Piping (Material)	0	0	0		0	0	0	0
105	Section 46 61 27 - Vertical Pressure Piping (Material)	0	0	0		0	0	0	0
106	Section 46 61 27 - Vertical Pressure Piping (Material)	0	0	0		0	0	0	0
107	Section 46 61 27 - Vertical Pressure Piping (Material)	0	0	0		0	0	0	0
108	Section 46 61 27 - Vertical Pressure Piping (Material)	0	0	0		0	0	0	0
109	Section 46 61 27 - Vertical Pressure Piping (Material)	0	0	0		0	0	0	0
110	Section 46 61 27 - Vertical Pressure Piping (Material)	0	0	0		0	0	0	0
111	Section 46 61 27 - Vertical Pressure Piping (Material)	0	0	0		0	0	0	0
112	Section 46 61 27 - Vertical Pressure Piping (Material)	0	0	0		0	0	0	0
113	Section 46 61 27 - Vertical Pressure Piping (Material)	0	0	0		0	0	0	0
114	Section 46 61 27 - Vertical Pressure Piping (Material)	0	0	0		0	0	0	0
115	Section 46 61 27 - Vertical Pressure Piping (Material)	0	0	0		0	0	0	0
116	Section 46 61 27 - Vertical Pressure Piping (Material)	0	0	0		0	0	0	0
117	Section 46 61 27 - Vertical Pressure Piping (Material)	0	0	0		0	0	0	0
118	Section 46 61 27 - Vertical Pressure Piping (Material)	0	0	0		0	0	0	0
119	Section 46 61 27 - Vertical Pressure Piping (Material)	0	0	0		0	0	0	0
120	Section 46 61 27 - Vertical Pressure Piping (Material)	0	0	0		0	0	0	0
121	Section 46 61 27 - Vertical Pressure Piping (Material)	0	0	0		0	0	0	0
122	Section 46 61 27 - Vertical Pressure Piping (Material)	0	0	0		0	0	0	0
123	Section 46 61 27 - Vertical Pressure Piping (Material)	0	0	0		0	0	0	0
124	Section 46 61 27 - Vertical Pressure Piping (Material)	0	0	0		0	0	0	0
125	Section 46 61 27 - Vertical Pressure Piping (Material)	0	0	0		0	0	0	0
126	Section 46 61 27 - Vertical Pressure Piping (Material)	0	0	0		0	0	0	0
127	Section 46 61 27 - Vertical Pressure Piping (Material)	0	0	0		0	0	0	0
128	Section 46 61 27 - Vertical Pressure Piping (Material)	0	0	0		0	0	0	0
129	Section 46 61 27 - Vertical Pressure Piping (Material)	0	0	0		0	0	0	0
130	Section 46 61 27 - Vertical Pressure Piping (Material)	0	0	0		0	0	0	0
131	Section 46 61 27 - Vertical Pressure Piping (Material)	0	0	0		0	0	0	0
132	Section 46 61 27 - Vertical Pressure Piping (Material)	0	0	0		0	0	0	0
133	Section 46 61 27 - Vertical Pressure Piping (Material)	0	0	0		0	0	0	0
134	Section 46 61 27 - Vertical Pressure Piping (Material)	0	0	0		0	0	0	0
135	Section 46 61 27 - Vertical Pressure Piping (Material)	0	0	0		0	0	0	0
136	Section 46 61 27 - Vertical Pressure Piping (Material)	0	0	0		0	0	0	0
137	Section 46 61 27 - Vertical Pressure Piping (Material)	0	0	0		0	0	0	0
138	Section 46 61 27 - Vertical Pressure Piping (Material)	0	0	0		0	0	0	0
139	Section 46 61 27 - Vertical Pressure Piping (Material)	0	0	0		0	0	0	0
140	Section 46 61 27 - Vertical Pressure Piping (Material)	0	0	0		0	0	0	0
141	Section 46 61								



Memorandum

To: City of Anamosa **Date:** February 16, 2018
From: Lindsay Beaman, P.E.
CC:
RE: Recommended Approval of Pay Application No. 6 – 2nd St. Lift Station and Sewer System Improvements – Phase 1

Snyder & Associates recommends approval of Pay Application No. 6 for work completed on the 2nd St. Lift Station and Sewer System Improvements – Phase 1 in the amount of **\$41,325.00**.

This pay estimate includes purchased materials, equipment, and work completed during the time period from January 15, 2018 through February 15, 2018, less 5% retainage. This work includes installation of wet well pumps, installation of electrical equipment, vertical screen start up and lift station start up.

Attached: Pay Application No. 6

APPLICATION AND CERTIFICATION FOR PAYMENT

TO OWNER:

City of Anamosa
407 S Ford St.
Anamosa, IA 52205

PROJECT:

Anamosa 2nd Street
Lift Station

APPLICATION NO: 6

PERIOD TO: 2/15/2018

PROJECT NOS:

FROM CONTRACTOR:

Ricklefs Excavating, Ltd
12536 Buffalo Road
Anamosa, Iowa 52205

VIA ENGINEER:

Snyder and Associates
Attn: Lindsey Bearman
5005 Bowling St SW
Cedar Rapids, IA 52404

CONTRACT DATE:

CONTRACTOR'S APPLICATION FOR PAYMENT

Application is made for payment, as shown below, in connection with the Contract. Continuation Sheet is attached.

The undersigned Contractor certifies that to the best of the Contractor's knowledge, information and belief the Work covered by this Application for Payment has been completed in accordance with the Contract Documents, that all amounts have been paid by the Contractor for Work for which previous Certificates for Payment were issued and payments received from the Owner, and that current payment shown herein is now due.

1. ORIGINAL CONTRACT SUM \$1,834,420.00

2. Net change by Change Orders \$ -

3. CONTRACT SUM TO DATE (Line 1 + 2) \$ 1,834,420.00

4. TOTAL COMPLETED & STORED TO DATE \$ 1,895,889.20

5. RETAINAGE:

a. 5% of Work Completed
(Columns D + E on Continuation Sheet)

\$ 94,794.46

b. 5% of Stored Material
(Column F on Continuation Sheet)

\$ -

Total Retainage (Line 5a + 5b)
(Total in Column I on Continuation Sheet)

\$ 94,794.46

6. TOTAL EARNED LESS RETAINAGE
(Line 4 less Line 5 Total)

\$ 1,801,094.74

7. LESS PREVIOUS CERTIFICATES FOR PAYMENT
(Line 6 from prior Certificate)

\$ 1,759,769.74

8. CURRENT PAYMENT DUE

\$ 41,325.00

9. BALANCE TO FINISH, INCLUDING RETAINAGE
(Line 3 less Line 6)

\$ 33,325.26

CONTRACTOR: RICKLEFS EXCAVATING, LTD.

By:  Date: 2/16/2018

Date: 2/16/2018

ENGINEER'S CERTIFICATE FOR PAYMENT

In accordance with the Contract Documents, based on on-site observations and the data comprising this application, the Engineer certifies to the Owner that to the best of the Engineer's knowledge, information and belief the Work has progressed as indicated, the quality of the Work is in accordance with the Contract Documents, and the Contractor is entitled to payment of the AMOUNT CERTIFIED.

AMOUNT CERTIFIED..... \$ 41,325.00

(Attached explanation if amount certified differs from the amount applied for. Initial all figures on this Application and on the Continuation Sheet that are changed to conform to the amount certified)

ENGINEER: Snyder and Associates

By:  Date: 2/16/18

Date: 2/16/18

OWNER'S APPROVAL: City of Anamosa

By: _____ Date: _____

AIA Type Document
Application and Certification for Payment

Pg 2 of 4

TO (OWNER): City of Anamosa 107 S. Ford Street Anamosa, IA 52205			PROJECT: Anamosa 2nd St. Lift Station 107 S. Ford Street Anamosa, IA 52205			APPLICATION NO: 6 PERIOD TO: 2/15/2018			DISTRIBUTION TO: - OWNER - ARCHITECT - CONTRACTOR			
FROM (CONTRACTOR): RICKLEFS EXCAVATING, LTD 12536 Buffalo Road Anamosa, IA 52205			VIA (ARCHITECT):			ARCHITECT'S PROJECT NO:						
CONTRACT FOR:						CONTRACT DATE:						
ITEM	DESCRIPTION	PLAN QTY	UNIT PRICE	SCHEDULED VALUE	PREVIOUSLY COMP QTY/%	PREVIOUS APPL	COMP QTY/% THIS PERIOD	COMP AMT THIS PERIOD	STORED MATERIAL	COMPLETED AND STORED	%	BALANCE
01100-01	Mobilization	1.000	15,000.0000	15,000.00	.834	12,510.00	.000	0.00	0.00	12,510.00	83.40	2,490.00
02000-02	Strip and Re-Spread Top Soil	484.000	5.0000	2,420.00	242.000	1,210.00	.000	0.00	0.00	1,210.00	50.00	1,210.00
01110-01	Trench Compaction Testing	1.000	100.0000	100.00	.000	0.00	.000	0.00	0.00	0.00	.00	100.00
02300-01	Sanitary Sewer Gravity Main, Trenched, 16"	153.000	65.0000	9,945.00	153.000	9,945.00	.000	0.00	0.00	9,945.00	100.00	.00
02300-01	Sanitary Sewer Gravity Main, Trenched, 18"	457.000	80.0000	36,560.00	457.000	36,560.00	.000	0.00	0.00	36,560.00	100.00	.00
02300-01	Sanitary Sewer Gravity Main, Trenchless, 12"	268.000	95.0000	25,460.00	268.000	25,460.00	.000	0.00	0.00	25,460.00	100.00	.00
02300-01	Sanitary Sewer Gravity Main w/ Casing Pipe, Trenched Or Trenchless, 12"	105.000	75.0000	7,875.00	105.000	7,875.00	.000	0.00	0.00	7,875.00	100.00	.00
02300-30	Sanitary Sewer Force Main, Trenched 8"	30.000	50.0000	1,500.00	30.000	1,500.00	.000	0.00	0.00	1,500.00	100.00	.00
02300-30	Sanitary Sewer Force Main, Trenched, 12"	35.000	70.0000	2,450.00	595.000	41,650.00	.000	0.00	0.00	41,650.00	700.00	-39,200.00
02300-30	Sanitary Sewer Force Main, Trenchless, 12"	1,910.000	95.0000	181,450.00	2,350.000	223,250.00	.000	0.00	0.00	223,250.00	123.04	-41,800.00
02300-30	Sanitary Sewer Force Main Abandonment, Fill and Plug, Flowable Mortar, 6"	14.500	100.0000	1,450.00	.000	0.00	.000	0.00	0.00	0.00	.00	1,450.00
02300-12	Building Sanitary Sewer Service Reconnection	4.000	800.0000	3,200.00	6.000	4,800.00	.000	0.00	0.00	4,800.00	150.00	-1,600.00
00001-01	Fire Hydrant Assembly	1.000	4,590.0000	4,590.00	1.000	4,590.00	.000	0.00	0.00	4,590.00	100.00	.00
02300-20	Sanitary Sewer Manholes, 48"	5.000	5,000.0000	25,000.00	8.000	40,000.00	.000	0.00	0.00	40,000.00	160.00	-15,000.00
02300-20	Sanitary Sewer Manholes, 72"	2.000	10,500.0000	21,000.00	2.000	21,000.00	.000	0.00	0.00	21,000.00	100.00	.00
02300-20	Sanitary Sewer Manhole, 84" w/ drop connection	1.000	15,200.0000	15,200.00	1.000	15,200.00	.000	0.00	0.00	15,200.00	100.00	.00
02400-50	Storm Sewer Intake Remove and Replace	1.000	1,500.0000	1,500.00	1.000	1,500.00	.000	0.00	0.00	1,500.00	100.00	.00

AIA Type Document
Application and Certification for Payment

Pg 3 of 4

TO (OWNER): City of Anamosa 107 S. Ford Street Anamosa, IA 52205			PROJECT: Anamosa 2nd St. Lift Station 107 S. Ford Street Anamosa, IA 52205			APPLICATION NO: 6 PERIOD TO: 2/15/2018		DISTRIBUTION TO: _ OWNER _ ARCHITECT _ CONTRACTOR				
FROM (CONTRACTOR): RICKLEFS EXCAVATING, LTD 12536 Buffalo Road Anamosa, IA 52205			VIA (ARCHITECT):			ARCHITECT'S PROJECT NO:						
CONTRACT FOR:			CONTRACT DATE:									
ITEM	DESCRIPTION	PLAN QTY	UNIT PRICE	SCHEDULED VALUE	PREVIOUSLY COMP QTY/%	PREVIOUS APPL	COMP QTY/% THIS PERIOD	COMP AMT THIS PERIOD	STORED MATERIAL	COMPLETED AND STORED	%	BALANCE
01400-42	Removal of Sanitary Manhole	8.000	250.0000	2,000.00	9.000	2,250.00	.000	0.00	0.00	2,250.00	112.50	-250.00
02700-70	PCC Sidewalk	75.000	40.0000	3,000.00	30.050	1,202.00	.000	0.00	0.00	1,202.00	40.07	1,798.00
02700-30	PCC Full Depth Patch	543.000	40.0000	21,720.00	572.180	22,887.20	.000	0.00	0.00	22,887.20	105.37	-1,167.20
02900-10	Seeding, Fertilizing, and Mulching for Hydraulic Seeding	.600	5,000.0000	3,000.00	.300	1,500.00	.000	0.00	0.00	1,500.00	50.00	1,500.00
00001-01	Electrical	1.000	250,000.0000	250,000.00	.950	237,500.00	.030	7,500.00	0.00	245,000.00	98.00	5,000.00
00001-01	Lift Station, Complete	1.000	200,000.0000	1,200,000.00	.950	1,140,000.00	.030	36,000.00	0.00	1,176,000.00	98.00	24,000.00
00001-01	Lift Station, Complete, DA Bunch	.000	12,850.0000	0.00	.000	0.00	.000	0.00	0.00	0.00	.00	.00
00001-01	Lift Station, Complete, Jim Giese	.000	13,980.0000	0.00	.000	0.00	.000	0.00	0.00	0.00	.00	.00
00001-01	Lift Station, Complete, Kelley Dewatering	.000	25,750.0000	0.00	.000	0.00	.000	0.00	0.00	0.00	.00	.00
00001-01	Lift Station, Complete, Kraus Plumb	.000	46,300.0000	0.00	.000	0.00	.000	0.00	0.00	0.00	.00	.00
00001-01	Lift Station, Complete, Life Time Fence	.000	17,900.0000	0.00	.000	0.00	.000	0.00	0.00	0.00	.00	.00
00001-01	Lift Station, Complete, LL Pelling	.000	20,800.0000	0.00	.000	0.00	.000	0.00	0.00	0.00	.00	.00
00001-01	Lift Station, Complete, Mark Pesek Masonry	.000	7,185.0000	0.00	.000	0.00	.000	0.00	0.00	0.00	.00	.00
00001-01	Lift Station, Complete, Mid-States Con.	.000	103,500.0000	0.00	.000	0.00	.000	0.00	0.00	0.00	.00	.00
00001-01	Lift Station, Complete, Mlt Vernon Const.	.000	2,150.0000	0.00	.000	0.00	.000	0.00	0.00	0.00	.00	.00
00001-01	Lift Station, Complete, Raynor Door	.000	15,297.0000	0.00	.000	0.00	.000	0.00	0.00	0.00	.00	.00

AIA Type Document
Application and Certification for Payment

Pg 4 of 4

TO (OWNER): City of Anamosa
 107 S. Ford Street
 Anamosa, IA 52205

PROJECT: Anamosa 2nd St. Lift Station
 107 S. Ford Street
 Anamosa, IA 52205

APPLICATION NO: 6
PERIOD TO: 2/15/2018

DISTRIBUTION TO:
 - OWNER
 - ARCHITECT
 - CONTRACTOR

FROM (CONTRACTOR): RICKLEFS EXCAVATING, LTD
 12536 Buffalo Road
 Anamosa, IA 52205

VIA (ARCHITECT):

ARCHITECT'S PROJECT NO:

CONTRACT FOR:

CONTRACT DATE:

ITEM	DESCRIPTION	PLAN QTY	UNIT PRICE	SCHEDULED VALUE	PREVIOUSLY COMP QTY/%	PREVIOUS APPL	COMP QTY/% THIS PERIOD	COMP AMT THIS PERIOD	STORED MATERIAL	COMPLETED AND STORED	%	BALANCE
00001-01	Lift Station, Complete, Biechler Electric	.000	239,391.0000	0.00	.000	0.00	.000	0.00	0.00	0.00		.00
REPORT TOTALS				\$1,834,420.00		\$1,852,388.20		\$43,500.00		\$1,895,888.20		
									\$0.00			\$-61,469.20

**COUNCIL VOUCHERS
FEBRUARY 2018**

CHECK #	VENDOR	DESCRIPTION	AMOUNT	INVOICE	ACCOUNT
CITIZENS	SAVINGS BANK				
61223 02/26,	ADT SECURITY SERVICE	5736 QTR SECURITY SVC	70.20		51.00.3.5100.220000
61224 02/26,	AFFORDABLE HEATING &	5009 BOILER MODIFIATIONS 2,	337.40	100450	01.00.4.8410.268000
61224 02/26,	AFFORDABLE HEATING &	5009 CHECK WIRING ON FURNAC	85.00	100979	01.00.4.8420.268000
			2,422.40	*CHECK TOTAL	
61225 02/26,	AIRGAS	5360 OXYGEN	239.10	9071518520	01.14.1.1114.260000
61226 02/26,	ANAMOSA PUBLICATIONS	5299 JAN ADS	350.00	16810	01.42.2.4042.210000
61226 02/26,	ANAMOSA PUBLICATIONS	5299 01/08 REG COUNCIL MTG	77.31	16869	01.00.4.8004.210001
61226 02/26,	ANAMOSA PUBLICATIONS	5299 01/22 REG COUNCIL MTG	47.19	17012	01.00.4.8004.210001
			474.50	*CHECK TOTAL	
61227 02/26,	ANIMAL WELFARE FRIEN	5971 DOG BOARD/PU	380.00		01.00.1.1300.230060
61228 02/26,	ARAMARK	5521 UNIFORM SHIRTS - S BR	124.08	2648462	06.00.3.7000.180001
61229 02/26,	ATLANTIC COCA-COLA	47 POP RESALE	398.66	305441	01.43.2.4043.321000
61230 02/26,	AUTOMOTIVE SERVICES	185 RPR SEAL 2014 FORD	288.32	59177	01.00.1.1111.265000
61231 02/26,	BARRON MOTOR SUPPLY	191 BATTERIES-ENDLOADER	257.40	234678	52.00.3.5200.360010
61231 02/26,	BARRON MOTOR SUPPLY	191 ELECTRICAL CONNECTORS	38.68	235091	06.00.3.7000.350000
61231 02/26,	BARRON MOTOR SUPPLY	191 BACK UP ALARM	34.55	235127	06.00.3.7000.330020
61231 02/26,	BARRON MOTOR SUPPLY	191 OIL FILTERS	19.56	235499	06.00.3.7000.265000
			350.19	*CHECK TOTAL	
61232 02/26,	BRAY ELECTRIC	973 RPR GYM LIGHT	148.16	5591	01.43.2.4043.268000
61233 02/26,	BROWN SUPPLY CO., IN	4421 CLAMPS	325.00	82542	51.00.3.5100.320010
61234 02/26,	BSN SPORTS	51 SPORTS SUPP	43.94	901550282	01.42.2.4042.310051
61235 02/26,	C.J. COOPER & ASSOCI	4209 EMP DRUG TST- KRAY	35.00	110574	06.00.3.7000.220060
61236 02/26,	CALACCI CONSTRUCTION	5957 PAY REQ 5 WTR PLA	115,235.00		71.05.8.9051.520000
61236 02/26,	CALACCI CONSTRUCTION	5957 PAY REQ 4 WTR PLAN	72,675.00		71.05.8.9051.520000
			187,910.00	*CHECK TOTAL	
61237 02/26,	CALLAHAN MUNICIPAL C	5897 FINAL PAY CITY ADM 1,	573.00		01.00.4.8001.380010
61238 02/26,	CENTRAL IOWA DISTRIB	3283 GARBAGE BAGS	277.00	159231	01.43.2.4043.320080
61238 02/26,	CENTRAL IOWA DISTRIB	3283 GARBAGE BAGS/LINERS	182.20	160844	06.00.3.7000.320010
61238 02/26,	CENTRAL IOWA DISTRIB	3283 JANITORIAL SUPP	218.80	160869	01.43.2.4043.320080
61238 02/26,	CENTRAL IOWA DISTRIB	3283 JANITORIAL SUPP	179.50	160870	01.43.2.4043.320080
61238 02/26,	CENTRAL IOWA DISTRIB	3283 CLEANING SUPP	83.70	161838	01.43.2.4043.320080
			941.20	*CHECK TOTAL	
61239 02/26,	CHEM RIGHT LABORATOR	4883 WATER TESTING	75.00	18526	51.00.3.5100.220070
61240 02/26,	CHEMSEARCH	808 DRAIN MAINTENANCE	160.57	3007816	52.00.3.5200.320000
61241 02/26,	COMPASS MINERALS AME	5787 ROAD SALT	4,831.49	172134	06.00.3.7000.320110
61241 02/26,	COMPASS MINERALS AME	5787 ROAD SALT	1,602.33	173514	06.00.3.7000.320110
			6,433.82	*CHECK TOTAL	
61242 02/26,	CONDUENT ENTERPRICE	3981 UB ADDRESS CERT	64.11	1441199	52.00.3.5200.320011
61242 02/26,	CONDUENT ENTERPRICE	3981 UB ADDRESS CERT	64.11	1441199	51.00.3.5100.320010
61242 02/26,	CONDUENT ENTERPRICE	3981 MNTHLY CONTRACT: 02/18	3,126.87	1441851	09.10.4.8004.410000
			3,255.09	*CHECK TOTAL	
61243 02/26,	DANS OVERHEAD DOORS	771 OVERHEAD DOOR	1,390.00	470052	06.00.3.7000.268000
61243 02/26,	DANS OVERHEAD DOORS	771 OVERHEAD DOORS	6,760.00	470172	52.00.3.5200.520020
			8,150.00	*CHECK TOTAL	
61244 02/26,	DEARBORN/DICK & TAMM	0.07013 REF UB ACCT400.0349.85	26.20		51.00.3.5100.920000
61245 02/26,	DIGITAL ALLEY, INC	5165 SHIRT CAMERA	205.00	1096756	01.00.1.1111.310000
61245 02/26,	DIGITAL ALLEY, INC	5165 CAMERA KIT	205.00	1098709	01.00.1.1111.310000
61245 02/26,	DIGITAL ALLEY, INC	5165 SHIRT CAMERA MOUNTS	50.00	1098744	01.00.1.1111.310000
			460.00	*CHECK TOTAL	
61246 02/26,	ECICOG	3826 CDBG GRANT ADMIN WT	116.00	8203	71.05.8.9051.220000
61247 02/26,	EMC INSURANCE	5469 W/C DEDUC B WIMS	1,000.00		51.00.3.5100.220065
61247 02/26,	EMC INSURANCE	5469	112.50		51.00.3.5100.220065
			1,112.50	*CHECK TOTAL	
61248 02/26,	FAREWAY STORES, INC.	4334 SUPP	58.79		01.42.2.4042.320015
61248 02/26,	FAREWAY STORES, INC.	4334 SUPP	74.92		01.42.2.4042.320015
61248 02/26,	FAREWAY STORES, INC.	4334 SUPP	103.34		01.42.2.4042.320015
61248 02/26,	FAREWAY STORES, INC.	4334 ICE	7.98		51.00.3.5100.320010
			245.03	*CHECK TOTAL	
61249 02/26,	FOX APPARATUS	5592 MAINT TRUCK 2	521.01	1008	01.14.1.1114.265000
61250 02/26,	FUTURE LINE TRUCK BO	4047 RPR TRUCK	634.30	S1-22855	06.00.3.7000.260000
61250 02/26,	FUTURE LINE TRUCK BO	4047 BACK UP ALARM	75.00	S1-23157	06.00.3.7000.330020
61250 02/26,	FUTURE LINE TRUCK BO	4047 RPR TRUCK FRAME	605.00	S1-23281	06.00.3.7000.260000
			1,314.30	*CHECK TOTAL	
61251 02/26,	GALL'S INC.	3059 SQUAD FLASHLIGHTS	468.00	8973482	01.00.1.1111.320010

COUNCIL VOUCHERS
FEBRUARY 2018

61251 02/26, GALL'S INC.	3059 UNIFORM PANTS/BELT	126.97		9130431 01.00.1.1111.180001
61251 02/26, GALL'S INC.	3059 UNIFORM PANTS	109.98		9137989 01.00.1.1111.180001
		704.95	*CHECK TOTAL	
61252 02/26, GORDON CLINIC	0.07014 NEW EMP PHYSICAL J SH	284.00		01.00.4.8003.220060
61253 02/26, HACH COMPANY	703 CHEMICALS	113.87		10789942 51.00.3.5100.320000
61253 02/26, HACH COMPANY	703 CHEMICALS	61.13		10822655 51.00.3.5100.320000
61253 02/26, HACH COMPANY	703 CHEMICALS	113.06		10830564 51.00.3.5100.320000
		288.06	*CHECK TOTAL	
61254 02/26, HOME DECORATING CENT	3615 SUPP/PAINT	56.75		97063 01.00.2.4001.320020
61254 02/26, HOME DECORATING CENT	3615 PAINT TAPE	9.40		97083 01.00.2.4001.320020
		66.15	*CHECK TOTAL	
61255 02/26, HOWARD R GREEN	4946 ENG: WTR PLANT EXP	6,417.00		116577 71.05.8.9051.220020
61256 02/26, IA DEPT PUB SAFETY I	4917 MONTHLY SVC	300.00		01.00.1.1111.230090
61257 02/26, INFRASTRUCTURE TECHN	5184 EMAIL HOST/COMP BU/MN	875.02	17653/17727	01.00.1.1111.230090
61257 02/26, INFRASTRUCTURE TECHN	5184 WEBSITE	25.00		17664 01.00.4.8004.230090
		900.02	*CHECK TOTAL	
61258 02/26, IOWA ART WORKS	0.07015 CLAY WORKSHOP	312.40		659 01.42.2.4042.320015
61259 02/26, IOWA ASSOC. OF MUNIC	96 ANNUAL WATER MEMBER D	868.47		16456 51.00.3.5100.220001
61260 02/26, IOWA DEPT OF NATURAL	5112 ANNUAL STORM WTR PERM	175.00		51.00.3.5100.220000
61261 02/26, IOWA DEPT. OF TRANSP	721 ALARM BACK UP	82.52		46121 06.00.3.7000.330020
61262 02/26, IOWA MUNICIPAL FINAN	268 ANNUAL DUES T COONS	50.00		01.00.4.8004.240000
61263 02/26, IOWA PARK & RECREATI	28 1 YR MEMBERSHIP	165.00		2456 01.00.2.4001.240000
61264 02/26, IOWA PRISON INDUSTRI	75 SIGNS	1,380.45		946600 06.00.3.7000.320100
61265 02/26, JETCO INC	5397 RPL HARD DRIVE WTP	943.97		14044 51.00.3.5100.230053
61266 02/26, JOHN DEERE FINANCIAL	387 SUPP	71.62		06.00.3.7000.320010
61266 02/26, JOHN DEERE FINANCIAL	387 CLEANING SUPP	17.97		01.00.1.1111.350000
61266 02/26, JOHN DEERE FINANCIAL	387 TRAILER TIRE	115.49		52.00.3.5200.265000
61266 02/26, JOHN DEERE FINANCIAL	387 BLDG SUPP	61.90		51.00.3.5100.320070
61266 02/26, JOHN DEERE FINANCIAL	387 TOOLS/PARTS	160.80		06.00.3.7000.260000
61266 02/26, JOHN DEERE FINANCIAL	387 TOOLS/SUPP	558.62		52.00.3.5200.320010
61266 02/26, JOHN DEERE FINANCIAL	387 FUSES	2.99		52.00.3.5200.360010
61266 02/26, JOHN DEERE FINANCIAL	387 OUTLET STRIP	19.99		01.00.2.4001.320020
61266 02/26, JOHN DEERE FINANCIAL	387 BLDG SUPP	12.53		52.00.3.5200.320070
		1,021.91	*CHECK TOTAL	
61267 02/26, JONES COUNTY ENGINEE	245 JAN FUEL: PD	1,140.17		01.00.1.1111.330010
61267 02/26, JONES COUNTY ENGINEE	245 JAN FUEL: FD	277.23		01.14.1.1114.330010
61267 02/26, JONES COUNTY ENGINEE	245 JAN: FUEL WWTP	209.59		52.00.3.5200.330010
61267 02/26, JONES COUNTY ENGINEE	245 JAN FUEL: WTR DEPT	208.88		51.00.3.5100.330010
61267 02/26, JONES COUNTY ENGINEE	245 JAN FUEL: ST DEPT 1,	241.53		06.00.3.7000.330010
		3,077.40	*CHECK TOTAL	
61268 02/26, JONES COUNTY SHERIFF	418 DARE GRAD & CLASSES	111.00		110547 01.00.1.1111.370000
61269 02/26, JONES REGIONAL MEDIC	58 NEW EMP PHYSICAL YOUNG	80.00		51.00.3.5100.220060
61269 02/26, JONES REGIONAL MEDIC	58 HEP B VACCINE R EDWARD	60.00		01.14.1.1114.280030
		140.00	*CHECK TOTAL	
61270 02/26, KEYSTONE LABORATORIE	4415 TESTING	1,522.78	1801034	51.00.3.5100.220070
61271 02/26, KNUTH/ATTY AT LAW AD	165 GEN LEGAL:11/22-01/	2,009.15		01.00.4.8210.230000
61271 02/26, KNUTH/ATTY AT LAW AD	165 PD LEGAL SVS:11/28-	1,225.64		01.00.1.1111.220010
		3,234.79	*CHECK TOTAL	
61272 02/26, KONICA MINOLTA BUSIN	5364 COPIER MAINT	31.97	2496568596	01.00.1.1111.230070
61273 02/26, KONICA PREMIER FINAN	5907 COPIER CONTRACT	151.64	31445109	01.00.4.8004.230070
61274 02/26, LYNCH FORD	4902 BRAKES 2014 FORD	176.63	72948	01.00.1.1111.265000
61275 02/26, MEDIACOM	4769 FEB: INTERNET SVS L	63.02		01.00.2.4001.270010
61275 02/26, MEDIACOM	4769 FEB: INTERNET SVS	63.02		51.00.3.5100.320020
61275 02/26, MEDIACOM	4769 FEB INTERNET SVS CH	109.95		01.00.4.8004.230054
		235.99	*CHECK TOTAL	
61276 02/26, MENARDS	3146 RETURN CREDIT	40.41CR		72656 01.00.2.4001.320020
61276 02/26, MENARDS	3146 SUPP OFFICE	193.04		72660 01.00.2.4001.320020
		152.63	*CHECK TOTAL	
61277 02/26, MID-STATES ORGANIZED	5836 MEMBERSHIP	100.00	23137-1010	01.00.1.1111.240000
61278 02/26, MISSISSIPPI VALLEY P	3950 RPR CHOPPER PUMP	13,174.00	12011	52.00.3.5200.260000
61279 02/26, MONKEYTOWN	694 COPIER PAPER	36.99	640323-1	52.00.3.5200.320020
61280 02/26, MONTICELLO SPORTS	339 BASKETBALLS SHIRTS	648.00	013118-5	01.42.2.4042.320015
61280 02/26, MONTICELLO SPORTS	339 POLES	266.00	013118-6	01.42.2.4042.320015
		914.00	*CHECK TOTAL	
61281 02/26, MUNICIPAL PIPE TOOL	3303 NOZZEL FOR JETTER	1,950.00	30132	52.00.3.5200.360010
61282 02/26, NORLIN/GREG	3478 FEB: QUARRY LEASE	300.00		01.00.3.5400.237100

COUNCIL VOUCHERS
FEBRUARY 2018

61283 02/26, PLUNKETT'S PEST CONT	4889 QTR PEST CONTROL	55.16		5859847 01.43.2.4043.230052
61284 02/26, QC ANALYTICAL SERVIC	5835 TESTING	1,393.00		1802051 52.00.3.5200.220070
61285 02/26, RADIO COMMUNICATIONS	40 GENERATOR MAINT	180.00		01.14.1.1114.268000
61285 02/26, RADIO COMMUNICATIONS	40 RADIO BATTERY	79.00		94906 01.00.1.1111.260000
		259.00	*CHECK TOTAL	
61286 02/26, RAMADA NORTHWEST INN	5946 LODGIN-TRNG MCNALLY	362.88		14509 01.00.1.1111.280020
61287 02/26, RAYNOR DOOR OF CEDAR	5215 SERVICE OVERHEAD DOOR	312.50		47217 01.14.1.1114.360030
61288 02/26, RECREATIONAL MOTOR S	5741 SHIPPING	36.93		43714 52.00.3.5200.250000
61288 02/26, RECREATIONAL MOTOR S	5741 SHIPPING	28.21		43739 52.00.3.5200.250000
61288 02/26, RECREATIONAL MOTOR S	5741 SHIPPING	30.03		43843 52.00.3.5200.250000
61288 02/26, RECREATIONAL MOTOR S	5741 SHIPPING	27.98		43864 52.00.3.5200.250000
61288 02/26, RECREATIONAL MOTOR S	5741 SHIPPING	30.03		43974 52.00.3.5200.250000
61288 02/26, RECREATIONAL MOTOR S	5741 SHIPPING	27.79		43995 52.00.3.5200.250000
61288 02/26, RECREATIONAL MOTOR S	5741 SHIPPING	123.09		44071 52.00.3.5200.250000
		304.06	*CHECK TOTAL	
61289 02/26, REECE ELECTRIC, INC	5817 RPL VALVES	1,088.13		714 52.00.3.5200.260000
61289 02/26, REECE ELECTRIC, INC	5817 TEST PUMP WELL 5	280.00		715 51.00.3.5100.360001
61289 02/26, REECE ELECTRIC, INC	5817 CHECK VFD'S BLOWERS	105.00		716 52.00.3.5200.260000
61289 02/26, REECE ELECTRIC, INC	5817 CHECK PUMP	85.00		717 52.00.3.5200.260000
61289 02/26, REECE ELECTRIC, INC	5817 HEATER RPL WATER TOWE	957.06		718 51.00.3.5100.360001
		2,515.19	*CHECK TOTAL	
61290 02/26, REHAB SYSTEMS INC	5664 POLYMER- BELT PRESS	1,278.00		1917 52.00.3.5200.320000
61291 02/26, RICKLEFS EXCAVATING	4362 PAY REQ NO 6 2ND S	41,325.00		72.03.8.9052.520000
61291 02/26, RICKLEFS EXCAVATING	4362 SLUDGE HAULING	4,320.00		1418 52.00.3.5200.410000
61291 02/26, RICKLEFS EXCAVATING	4362 3RD/OAK WTR MAIN BR 4,	4,979.66		1441 51.00.3.5100.260050
		50,624.66	*CHECK TOTAL	
61292 02/26, SHOVER/JEREMY	5968 LONG REACH MULTI SET	99.99	D1356	06.00.3.7000.260000
61292 02/26, SHOVER/JEREMY	5968 POWER PROBE	162.99	D1953	06.00.3.7000.260000
		262.98	*CHECK TOTAL	
61293 02/26, SIGNS AND MORE	5923 PATROL CAPS	34.33		20954 01.00.1.1111.180001
61294 02/26, SNYDER & ASSOCIATES	1036 ENG: ASP AGREEMENT	1,038.00	115.0648.080.13	52.00.3.5200.220020
61294 02/26, SNYDER & ASSOCIATES	1036 ENG: PRETREATMENT A	1,162.00	115.0648.080.14	52.00.3.5200.220020
61294 02/26, SNYDER & ASSOCIATES	1036 ENG 2ND ST LIFT STA	6,835.14	116.0518.080.19	72.03.8.9052.220020
61294 02/26, SNYDER & ASSOCIATES	1036 ENG: 2ND ST LS IMPR	5,112.03	116.0518.080.20	72.03.8.9052.220020
		14,147.17	*CHECK TOTAL	
61295 02/26, STATE INDUSTRIAL PRO	5677 WWTR TREATMENT	234.00	9003354184	52.00.3.5200.320000
61295 02/26, STATE INDUSTRIAL PRO	5677 PIT RAIDER	285.98	900344052	52.00.3.5200.320000
		519.98	*CHECK TOTAL	
61296 02/26, STONE CITY QUARRIES	385 SAND	1,083.03		174058 06.00.3.7000.320110
61296 02/26, STONE CITY QUARRIES	385 SAND	1,361.62		174132 06.00.3.7000.320110
61296 02/26, STONE CITY QUARRIES	385 SAND	1,271.53		174142 06.00.3.7000.320110
61296 02/26, STONE CITY QUARRIES	385 SAND	1,892.67		174151 06.00.3.7000.320110
		5,608.85	*CHECK TOTAL	
61297 02/26, TAPKEN'S CONVENIENCE	740 JAN: FUEL 45.57 GAL	101.68		52.00.3.5200.330010
61298 02/26, THOMPSON TRUCK & TRA	5700 PARTS INTERNATIONAL	144.64	X110733344:01	06.00.3.7000.330020
61299 02/26, TRUCK COUNTRY	4430 RPR 09 STERLING DMP T	561.43	R103088819:01	06.00.3.7000.265000
61300 02/26, U.S. CELLULAR	4002 SQUAD MODEMS	350.00		01.00.1.1111.230080
61301 02/26, UNIFORM DEN, INC	5465 COAT	284.52	94791-2	01.00.1.1111.180001
61301 02/26, UNIFORM DEN, INC	5465 UNIFORMS	85.60	94795-1	01.00.1.1111.180001
61301 02/26, UNIFORM DEN, INC	5465 BOOTS	163.19		95186 01.00.1.1111.180001
61301 02/26, UNIFORM DEN, INC	5465 SHIRT BADGES	155.21		95317 01.00.1.1111.180001
		688.52	*CHECK TOTAL	
61302 02/26, USA BLUE BOOK	4565 STUDY GUIDES/MANNUALS	389.56	462942/4636	52.00.3.5200.350000
61303 02/26, WALMART COMMUNITY BR	398 SUPP	346.71		01.43.2.4043.320080
61303 02/26, WALMART COMMUNITY BR	398 SUPP	269.03		01.42.2.4042.320015
61303 02/26, WALMART COMMUNITY BR	398 OFC SUPP	189.24		01.00.1.1111.320020
		804.98	*CHECK TOTAL	
61304 02/26, WAPSI WASTE SERICE,	4582 JAN: WASTE PU	320.00		1796 01.00.3.5400.237000
61304 02/26, WAPSI WASTE SERICE,	4582 JAN: WASTE PU	40.00		1796 01.14.1.1114.268000
61304 02/26, WAPSI WASTE SERICE,	4582 JAN: WASTE PU	40.00		1796 52.00.3.5200.220000
61304 02/26, WAPSI WASTE SERICE,	4582 JAN: WASTE PU	50.00		1812 51.00.3.5100.220000
		450.00	*CHECK TOTAL	
61305 02/26, WAYNE HALL CHRYSLER	144 RPR THEROSTAT/RPL BLO	368.66		97159 52.00.3.5200.265000
61306 02/26, WEERS INSURANCE	401 PROP INSUR NEW LS 2ND	752.00		52.00.3.5200.220052
61307 02/26, WELLMARK BLUE CROSS	5057 ANNUAL CLAIMS PROC FE	196.20		01.00.4.8004.220000
61308 02/26, WELTER STORAGE EQUIP	2 TABLES FOR GYM	790.00		01.43.2.4043.310060

COUNCIL VOUCHERS
FEBRUARY 2018

TOTAL

341,138.42

2018 Arrest Statistics by Month

Anamosa Police Department															
Criminal Incident		UCR	Total	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Alcohol possess (1st)			1	1	0	0	0	0	0	0	0	0	0	0	0
Alcohol possess (1st)		90Z	1	1	0	0	0	0	0	0	0	0	0	0	0
Burglary 3rd Degree			3	3	0	0	0	0	0	0	0	0	0	0	0
Burglary 3rd Degree		220	4	4	0	0	0	0	0	0	0	0	0	0	0
Burglary tools possessed			1	1	0	0	0	0	0	0	0	0	0	0	0
Child endangerment			3	3	0	0	0	0	0	0	0	0	0	0	0
Criminal Mischief 1st Degree		90Z	1	1	0	0	0	0	0	0	0	0	0	0	0
Criminal Mischief 2nd Degree		290	1	1	0	0	0	0	0	0	0	0	0	0	0
Criminal Mischief 3rd Degree			1	1	0	0	0	0	0	0	0	0	0	0	0
DOMESTIC ABUSE ASSAULT IMPEDING AIR/BLOOD FLOW			1	1	0	0	0	0	0	0	0	0	0	0	0
DOMESTIC ABUSE ASSAULT WITH INTENT TO INFLECT SERIOUS INJURY		13A	1	1	0	0	0	0	0	0	0	0	0	0	0
DOMESTIC ASSAULT CAUSING INJURY			1	1	0	0	0	0	0	0	0	0	0	0	0
Drug Poss Marijuana		13B	1	1	0	0	0	0	0	0	0	0	0	0	0
Drug Poss Marijuana			1	1	0	0	0	0	0	0	0	0	0	0	0
No D.L.		35A	3	3	0	0	0	0	0	0	0	0	0	0	0
O.W.I. 1st offense		90Z	1	1	0	0	0	0	0	0	0	0	0	0	0
O.W.I. 1st offense			1	0	1	0	0	0	0	0	0	0	0	0	0
O.W.I. 2nd offense		90D	2	2	0	0	0	0	0	0	0	0	0	0	0
Possession of Drug Paraphenalia		90D	1	1	0	0	0	0	0	0	0	0	0	0	0
Possession of Drug Paraphenalia			1	1	0	0	0	0	0	0	0	0	0	0	0
THEFT 3RD DEGREE \$500-\$1,000		35B	3	3	0	0	0	0	0	0	0	0	0	0	0
THEFT 4TH DEGREE \$200-\$500		23D	2	2	0	0	0	0	0	0	0	0	0	0	0
THEFT 5TH DEGREE VALUE \$1-\$200 SIMPLE MISDEMEANOR		23H	1	1	0	0	0	0	0	0	0	0	0	0	0
Theft of Motor Vehicle		23H	4	4	0	0	0	0	0	0	0	0	0	0	0
VIOLATION OF NO CONTACT/PROTECTIVE ORDER		240	2	2	0	0	0	0	0	0	0	0	0	0	0
Warrant -other agency		90Z	1	1	0	0	0	0	0	0	0	0	0	0	0
Warrant -other agency		90J	1	1	0	0	0	0	0	0	0	0	0	0	0
Warrant-Jones County		90Z	2	2	0	0	0	0	0	0	0	0	0	0	0
			2	2	0	0	0	0	0	0	0	0	0	0	0



Anamosa Police Department Offense Statistics Summary By Month

1/1/2018 - 12/31/2018

Offense	Code	Total	Jan	Feb	Mar	Apr	May	June	July	Aug	Sep	Oct	Nov	Dec
Arson 2nd Degree		1	1	0	0	0	0	0	0	0	0	0	0	0
Burglary 3rd Degree		6	6	0	0	0	0	0	0	0	0	0	0	0
Burglary 3rd Degree attempted		1	1	0	0	0	0	0	0	0	0	0	0	0
Burglary tools possessed		1	1	0	0	0	0	0	0	0	0	0	0	0
Child endangerment		2	2	0	0	0	0	0	0	0	0	0	0	0
Criminal Mischief 2nd Degree		1	1	0	0	0	0	0	0	0	0	0	0	0
Criminal Mischief 3rd Degree		3	3	0	0	0	0	0	0	0	0	0	0	0
Criminal Mischief 4th Degree		1	1	0	0	0	0	0	0	0	0	0	0	0
Criminal Mischief 5th Degree		1	1	0	0	0	0	0	0	0	0	0	0	0
DOMESTIC ABUSE ASSAULT IMPEDING AIR/BLOOD FLOW	13A	1	1	0	0	0	0	0	0	0	0	0	0	0
DOMESTIC ASSAULT CAUSING INJURY		2	2	0	0	0	0	0	0	0	0	0	0	0
Driving While License Barred		1	1	0	0	0	0	0	0	0	0	0	0	0
Drug Poss Marijuana		1	1	0	0	0	0	0	0	0	0	0	0	0
DUS - Driving While License Suspended		1	1	0	0	0	0	0	0	0	0	0	0	0
Forgery		1	1	0	0	0	0	0	0	0	0	0	0	0
Harassment		1	1	0	0	0	0	0	0	0	0	0	0	0
No D.L.		1	1	0	0	0	0	0	0	0	0	0	0	0
Obstructing Justice		1	1	0	0	0	0	0	0	0	0	0	0	0
Possession of Drug Paraphernalia		1	1	0	0	0	0	0	0	0	0	0	0	0
Runaway		1	1	0	0	0	0	0	0	0	0	0	0	0
Sex Abuse 3rd Degree		1	1	0	0	0	0	0	0	0	0	0	0	0
THEFT (OMVWOC)		1	1	0	0	0	0	0	0	0	0	0	0	0
THEFT 3RD DEGREE \$500-\$1,000		3	3	0	0	0	0	0	0	0	0	0	0	0
THEFT 4TH DEGREE \$200-\$500		1	1	0	0	0	0	0	0	0	0	0	0	0
THEFT 5TH DEGREE VALUE \$1-\$200 SIMPLE MISDEMEANOR		4	4	0	0	0	0	0	0	0	0	0	0	0
Theft From Motor Vehicles Parts/ Accessories	23H	1	1	0	0	0	0	0	0	0	0	0	0	0
Theft of Motor Vehicle		2	2	0	0	0	0	0	0	0	0	0	0	0
Verbal Domestic Dispute	13B	1	1	0	0	0	0	0	0	0	0	0	0	0
VIOLATION OF NO CONTACT/PROTECTIVE ORDER	90Z	1	1	0	0	0	0	0	0	0	0	0	0	0
Totals		44	44	0	0	0	0	0	0	0	0	0	0	0



Anamosa Police Department
Citation Statistics By Month
1/1/2018 - 12/31/2018

Citation Type	Total	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Non-Traffic	37	37	0	0	0	0	0	0	0	0	0	0	0
Totals	37	37	0	0	0	0	0	0	0	0	0	0	0

JANUARY 2018 LIBRARIAN'S REPORT

FRIENDS OF THE LIBRARY

The Friends of the Library meet on the 2nd Tuesday of the month at 10 AM at the library. The Friends discussed and adopted a budget. They discussed two upcoming fundraisers. The first is their 2nd **Annual Spring Gala** on April 8 from 6-11 PM at the Wapsi Country Club (\$30 per person). The second is **A Tea with Eleanor Roosevelt** on July 15th at the American Legion. Time and ticket price are to be determined, although it will likely be mid- to early-afternoon.

PROGRAMS & SERVICES

CHILDREN

February Programs:

- We host a **Mother & Sons Valentine's Party** the same night as the LCC's **Father Daughter Dance**.

ADULTS

Trivia Night had 25 attendees and was a lot of fun! Tech Tuesday has seen a temporary revival.

February Programs:

- **Cedar Street Book Club** is reading "Killers of the Flower Moon" by David Grann on Thursday, February 15 at 7 PM
- **The Janeite Assembly** (an event celebrating everything by and about Jane Austen) is on Tuesday, February 27th at 7 PM

Regular Programs Continue

Movers & Shakers: Wednesdays from 10:30-11:30 AM.

Early Out Wednesdays: 1st & 3rd Wednesdays from 1:30-4:00 PM.

Daycare/School Outreach

Tech Tuesday: Tuesdays 2:30 PM

BOARD OF TRUSTEES

The Board of Trustees continues investigate additional digital content checkout options, including Hoopla, Kanopy, and Freegal. They also did a chemical test of the geothermal system and are looking into what will be needed to balance pH levels that are out of the normal range.

SERVICE HIGHLIGHT

The library is signed up for a Federal IRS program that provides some **tax forms, instruction booklets, and other IRS publications** to libraries for free. We receive 1040, 1040A, and 1040EZ forms and instructions and Publication 1132 which has one reproducible copy of all individual tax forms and instruction booklets. The forms and booklets are free for any patron to pick up. Publication 1132 is available to anyone who wishes to make copies of the forms inside for \$0.25 per page.

Delivery has been slower this year than normal. We no longer receive any State of IA tax forms.

STATISTICAL REPORT

The intent of the report is to provide objective data of the library with which to evaluate the library's basic services. It is provided quarterly to the Library Board of Trustees and monthly to the City Council and the Jones County Board of Supervisors.

January 2018 Librarian's Report

Prepared by Library Director

	2017		2018	
	January	Year to Date	January	Year to Date
CHECKOUTS				
Books	1,635	12,836	1,601	11,790
Other Materials	1,165	8,346	1,147	7,720
BRIDGES (Digital Materials)	352	2,239	462	2,706
Computers	493	3,427	544	3,697
TOTAL	3,645	35,194	4,901	33,633

% OF CHECKOUTS BY RURAL PATRONS*	27.12%	29.85%	30.79%	28.92%
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NUMBER OF VISITORS	4,444	35,455	4,247	32,455
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NEW REGISTRATIONS	37	212	28	205
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MATERIALS				
Donations	68	340	76	697
Purchased	159	585	48	522
Removed	250	1,815	78	3,322

PROGRAMS				
Number of Programs	14	111	12	106
Number of Attendees	262	3208	185	3,489

MEETING ROOM USE	10	67	8	55
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*Does not include BRIDGES checkouts.