

The City Council of the City of Anamosa met in Regular Session this February 26, 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; Jim Henson, Water Superintendent; Travis McNally, Police Sergeant and Adrian Knuth, City Attorney. Guests Present Addressing the Council: Tammy Dearborn, 600 N. Williams St.; John Ely, 301 N. Davis St.; Chris Collins, 507 E. 1<sup>st</sup> St.; Kelly Day, 110 W. Walnut St.; Nancy Shaffer, 803 N. Division Ct.; Don & Toni Ellis, 505 E. 1<sup>st</sup> St.; Lavonne Portzline, 501 Jordan Dr.; Cecelia Hatcher, 125 S. Ford St.; Bill Goodman, 804 E. 1<sup>st</sup> St.; Tammy Seeley, 202 Park Ave.; Jennifer Graham-Frank, 1617 Meadow Ridge Ct.; Lori Martensen, 620 Kaitlynn Ave.; Crystal Wherry, 207 S. Jones St.; Anthony Arrington; Alea Stutt, 202 N. Garnavillo St.; Brooke Bohlken, 702 S. Garnavillo St.; Alden Davis, 327 Deerwood Dr.; Teresa Keppel Marek and. 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 Kay Smith to approve the minutes from the February 12, 2018 Regular Council meeting. All Ayes. Motion Carried.

### **PUBLIC SAFETY:**

#### **Follow Up on Personnel Issue**

Motion by Crump, second by Weimer to summarily terminate Chief of Police, Robert Simonson with him to surrender all equipment by noon tomorrow. Roll Vote. All Ayes. Motion Carried.

### **PUBLIC HEARING: NONE**

### **Presentations**

#### **Tammy Dearborn – Regarding Pit Bull Prohibition**

Tammy Dearborn, 600 N. Williams Street addressed the Council requesting that the Council not lift the ban on Pit Bulls. Tammy is concerned for the safety and protection of herself, her dog, her grandkids and the whole community. She referenced the dismembering and fatal bites produced by this breed. Tammy went on to talk about registering her dog, as is required and that the number of dogs actually registered is far less than the number of dogs that reside in Anamosa. She indicated that in her continuous walks in town, she has seen a lot more dogs than are currently registered. She also noted that she sees dogs on a daily basis that are “at large”. Tammy stated that the City already has an issue with controlling dogs without adding the Pit Bull breed to the situation. She also stated that all these dogs can bite, but not all can bite off a limb or cause a fatal injury like the Pit Bull breed. Tammy then shared a personal experience she and her grandchild had with a dog running at large that came on to her property. She asked if the Council was ready to take on this responsibility of allowing Pit Bulls in town. She gave a scenario to the Council and public and asked how they would react with a Pit Bull breed running at large, from the response she stated that she is wasting her time here.

#### **John Ely – Regarding Chief Simonson’s Employment and Possible Error made by Attorney**

John Ely, 301 N. Davis Street stated that he had come to talk about the Chief of Police, but it has been pretty well covered. He then read portions of material filed by Amy Ford’s attorney that had been filed with the Court in which the City Attorney directed Al Johnson to direct the Chief Simonson and the police officers that since litigation was pending, not to respond to Amy Ford’s attorney unless directed by himself, Chief Simonson, Al Johnson or possibly Matt Novak. He also went on to make reference to the indication from the records that some of the relevant documents were missing. John indicated that he had tried to bring this item up in a council meeting when the City Attorney’s contract was renewed and he was not allowed to speak.

### **COMMUNITY BETTERMENT:**

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

Rod Smith reviewed information on the purpose of breeding dogs to maintain certain traits and with that comes the possibility of unfavorable strains within that dog. He then read from a previous memo received from the City Attorney (dated approximately 12/20/17) and inquired of Adrian Knuth if based on that information the current ordinance could be enforced. Adrian stated that yes, it could but with a few changes or tweaks and he referenced the city of Des Moines as an example. Machart stated he had received a phone call from a woman who might be moving here and owned a dog that is a Pit Bull cross. Discussion followed.

Motion by Shaffer, second by Weimer to approve the **Second Reading of Ordinance** Amending Chapter 55 of the City Code (Animal Protection and Control) to Drop Breed Specific Prohibition.

Chris Collins, 507 E. 1<sup>st</sup> St. addressed the Council reviewing the history of the Pit Bull breed starting 221 years ago. He also reviewed some of the Pit Bull dogs that had been honored. He then reviewed some of the comments he received on his Facebook page and other Facebook comments and also Brian Darrow's previous presentation to the Council, which was in favor of lifting the ban. Chris inquired of Adrian if someone had an emotional support dog that was a Pit Bull would it be allowed in Anamosa. Adrian stated yes. Chris stated that he felt this type of legislation does not work and it costs money. He also cited several organizations and groups that are not in favor of the breed prohibitions.

Kelly Day, 110 W. Walnut addressed the Council stating she was opposed to the breed specific ban. She reviewed facts and statistics to support that people cannot truly identify a breed of dog by looking at it. She also reviewed multiple statistics on dog bites and the focus is on the dog bites and not the breed.

Nancy Shaffer, 803 N. Division Ct. addressed the Council shared a video of a Pit Bull attack incident and showed the resulting injuries. She reviewed the results of a double blind study regarding people being able to identify the Pit Bull breed by looking at the dogs. She stated that the Police and staff can be trained to identify the Pit Bull breed. She also quoted court cases. Nancy talked about the breeding of dogs and the traits that go along with that breeding and the instincts of Pit Bulls. She quoted dog bite statistics and reviewed a sample of Denver's ordinance that has stood up in court cases again and again. Nancy also touched on insurance coverages as it relates to the Pit Bull breed. She urged the Council to keep the ordinance as it is.

Don Ellis, 505 E. 1<sup>st</sup> Street addressed the Council sharing his own dog bite experience and stated that his boss has a dog with the appearance of a Pit Bull and he trusts that dog. Chris Collins stated that State Farm Insurance covers Pit Bulls. Toni Ellis stated that she and her husband are neighbors to Chris Collins and that his dogs do not cause any issues and they are proud to live next door to them.

The Mayor then asked for a roll vote. 1- Nay, Rod Smith. All Remaining Ayes. Motion Carried.

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

Motion by Weimer, second by Rod Smith to table any action on this until next regular Council meeting. All Ayes. Motion Carried.

**Proposed Pre Treatment Agreement with the Anamosa State Penitentiary**

Tammy Coons explained that at the request of Bill Sperfslage, Warden that no action was to be taken on this item until he has more time to review the proposed fees.

**Discrimination Sensitivity Training for City of Anamosa Employees**

Motion by Weimer, second by Machart to implement a policy and training on discrimination sensitivity and requiring annual training of all permanent city employees. All Ayes. Motion Carried.

**PUBLIC SAFETY:**

**Beer and Liquor Licenses**

Motion by Shaffer, second by Crump to approve the renewal of Class E Liquor License, Class B Wine Permit and Class C Beer Permit with Sunday Sales Privileges for Walmart Store #646. All Ayes. Motion Carried.

**Implementation of Fines for Failure to License Dogs in the City of Anamosa**

Adrian Knuth reviewed the possible options for fines or penalties for failure to license dogs. Discussion followed on what type of fee scale would be set up. Adrian stated he will prepare an ordinance identifying a proposed schedule of fines for the Council's consideration. Lavonne Portzline, 501 Jordan Drive addressed the Council asking for clarification on how the fines would be applied. Chris Collins suggested possibly working with Humane Societies to help get licensing done after hours. Kelly Day also suggested working with the Animal Welfare Foundation. Tammy Dearborn stated for clarification that each dog should have a collar with the rabies vaccination tag and the registration tag. She also stated that there are currently only 65 dogs licensed in the City of Anamosa.

**PUBLIC WORKS: NONE**

**FINANCE:**

**Pay Requests No. 4 & 5 to Calacci Construction for the Water Treatment Plan Expansion Project**

Motion by Shaffer, second by Crump to approve Pay Requests No. 4 & No. 5 to Calacci Construction in the respective amounts of \$72,675.00 and \$115,235.00 for Water Treatment Plant Expansion Project. All Ayes. Motion Carried.

**Pay Request No. 6 to Ricklefs Excavating for the 2<sup>nd</sup> Street Lift Station Improvements Project**

Motion by Shaffer, second by Rod Smith to approve Pay Request No. 6 to Ricklefs Excavating in the amount of \$41,325.00 for the 2<sup>nd</sup> Street Lift Station Improvements Project. All Ayes. Motion Carried.

**Payment of Bills for the Month of February, 2018**

Motion by Weimer, second by Crump to approve the payment of bills for the month of February, 2018. Discussion followed. All Ayes. Motion Carried.

**CITY ADMINISTRATOR'S REPORT: NONE**

**MAYOR AND COUNCIL:**

Rod Smith expressed his appreciation for the public for their concerns and caring enough to come to the meeting tonight. He went on to give some background on the timing of the recent lawsuit and when the current council members were in their current position. He also stated that he did not feel that this Council has moved slowly or did nothing on this matter. He reviewed the timeline. Rod stated that he feels that everyone's attendance shows the passion that people have for the community.

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

Cecelia Hatcher, 125 S. Ford St. addressed the Council sharing a story about a dog running loose at Pumpkifest with a leash dragging and when she explained to the owner that there was leash law in Anamosa, the owner stated that his dog was on a leash. He stated the law didn't state that he had to be holding the other end.

Bill Goodman, 804 E. St. addressed the Council expressing his disappointment that only two council members responded to his email. He also asked that all council members get their photo put on the website. Bill questioned why agenda item 6.2 was put on the agenda. Discussion and explanation followed. Bill also asked that the council members and mayor speak up so everyone could hear them. He also stated he would like the Council to add the pledge of allegiance to the beginning of every

meeting. Bill thanked the Council for taking action on the Police Chief and that evaluations of all city employees be documented and made public. He also stated that he hoped the new City Administrators contract did not have any clauses regarding any monetary settlement.

Tammy Seeley, 202 Park Avenue addressed the Council asking what the next step for the Council was. Rod Smith stated that the next in the line of command is the Police Sergeant and that the Council will be looking to him to fill the void in the interim and that they will opening up the Chief's position for employment.

Jennifer Graham-Frank, 1617 Meadow Ridge Ct. addressed the Council inquiring as to the emails, who they were sent to and how they got out to the media. She questioned whether all parties that received the emails and were involved would be held accountable. Jennifer also asked if the decision relating to Bob Simonson was made out of good faith. She also stated that anyone who was aware of what happened in 2008 and 2009, and never spoke up at that time, she feels those people hold just as much accountability as Bob Simonson. Jennifer asked that if an investigation is done on the Police Dept. that the investigation go back to the early 2000's. She stated that in early 2000's herself and two officers had provided statements to a local attorney regarding these same issues in regards to the officers at the Anamosa Police Dept. She further stated she felt that Bob Simonson could have remained Chief as long as it was clear that this behavior both then and now would not be tolerated. She stated that the "Good Old Boy" persona is no longer acceptable. Jennifer stated nothing will change unless lessons are learned.

John Ely addressed the Council stating he has had trouble with City Government and has had issues with his neighbor, Mayor Dale Barnes in the past. John reviewed the history of the dog incident relating to the number of dogs the Mayor was allowed to have. He feels there is a failure in honesty and collusion in City government. He believes the City needs to do the work and clean things up.

Cheryl Coker, 319 Deerwood Dr. addressed the Council stating that there are so many things to love about Anamosa. She stated that she is appalled at the actions of Bob Simonson and that working in the School system she knows they strive to teach the children to not do all the things that Bob Simonson had done. Cheryl said that she is also appalled at the fact that Amy was not given what she needed and it is a shame that we lost a wonderful person – Good for Lisbon. She also said thank you to Nick and Heather Weers.

Betty Weimer stated that she is not from Anamosa and has invested her entire life in Anamosa now and that Anamosa has a black eye now but this is still a good place to be and that we should stay focused on the future and the positive.

Lori Martensen, 620 Kaitlynn Ave. addressed the Council stating that the way we are expected to be when we represent the people, like City officials do. If a City official received these emails, and did nothing, that they need to stand up and remove themselves. She stated that we elected the people because we trusted you and now we don't. She also stated that she does not agree with the statements made about the climate being right as to why Amy received the settlement.

Crystal Wherry, 207 S. Jones St. addressed the Council asking Adrian Knuth if he still stood by his words that Lori had mentioned. Adrian stated that even Amy Ford's attorney said the "Me Too" movement contributed to the settlement. Crystal reviewed the timeline of Amy's complaint stating that this was not addressed in an appropriate amount of time. She said she felt the Council had a responsibility to address all issues, even rumors. She suggested that the new police chief should be hired from outside, not inside and a panel of citizens need to interview the candidates.

Anthony Arrington from Cedar Rapids gave his background to illustrate his experience in these types of issues. He stated he is proud of the community and the people. He was shocked at the lack of professionalism in regards to not having a plan to replace the Police Chief. He stated that the City officials have the opportunity to do something about it.

Alea Stutt, 202 N. Garnavillo St. addressed the Council stating that the Police Chief should be hired from outside. She reviewed her past experience, stating that she had been wrongfully arrested and she had proven it in court. She stated that she had been intimidated, followed and harassed by the Police. She stated her fear was retaliation, not just from Bob but from the officers underneath him.

Brooke Bohlken, 702 S Garnavillo St. addressed the Council questioning from the last meeting that the settlement was not an admission of wrong doing. She asked if the City was going to admit there was wrong doing and acknowledge that we failed our people. Rod Smith sated that with the step that was taken tonight, that was the acknowledgement. Weimer stated that they all had felt there was just cause.

Todd Weimer, 112 E. Main St. addressed the Council stating that he has been to a lot of Council meetings and he has heard the whispers and rumors. He stated that the decision the Council made today was “hands down” the right decision. He stated that everyone there has to share in the blame, but there are also some people who were aware of this situation prior to the suit being filed in 2015 who are silent. He stated he is tired of the “slings and arrows”. He voiced his frustration relating to expectations on the Council to be able to respond to a microphone being pushed in their face and expect any of them to answer until they had the opportunity to sit down as Council and discuss this fully. He stated that there are closed sessions for a reason and that there are procedures that have to be followed. Todd also stated that the social media may get half-truths out there before everything is discussed is not good. It is more like he said, she said, not facts. Todd wanted everyone to know that when there is a “non-response” that is sometimes what has to be done legally. He stated that first step has been done and now the next steps will follow.

Alden Davis, 327 Deerwood Dr. addressed the Council stating that when he first moved here Amy Ford was the only officer that treated him decently. He stated that he has respect for people and women and that he wished the Police force respected women. He also stated he wished the police officers would smile more.

Crystal Wherry addressed the Council questioning what happens to Bob’s pension and retirement plan. She also asked the Council to look into the messages sent to minors by Bob Simonson.

Teresa Keppel Marek addressed the Council stating that she had recently moved to Anamosa area and had not had any bad experience with the Police Dept. and would like to thank them. She stated she believes in forgiveness for anyone who had received the emails and they asked for forgiveness. She asked Council person Cody Shaffer if he would like to explain his reasons and response to him being a recipient of the emails. Cody stated that he does not condone it and that he had to go back and check his spam folder to find the email. Teresa then asked Rod Smith when he had learned about the emails. Rod stated that in a meeting with the Insurance company’s attorney, they were made aware of the basics of the emails but not the actual content. He stated he had not seen the actual emails until a few weeks ago.

**Adjournment**

Motion by Shaffer, second by Machart to adjourn at 8:37 p.m. All Ayes. Motion Carried.

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Dale Barnes, Mayor

ATTEST:

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Tammy Coons, City Clerk