

The City Council of the City of Anamosa met in Regular Session this September 10, 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 Jacob Sheridan, City Administrator; Tammy Coons, City Clerk; Travis McNally, Police Sergeant; Rebecca Vernon, Library Director; Jim Henson, Water Superintendent; Tyler Laing, Parks & Recreation Director and Dan Smith, Wastewater Superintendent. Guests Present Addressing the Council: Judy Rose, 206 S. Davis St.; Mike Dearborn, 405 N. Division St.; Macy Soupene, 106 Theresa Ave.; Linda Lyons, 423 Chamber Dr.; Ralph Kepler, 402 Council St.; Doug Wortman, 106 E. Main St.; Doug Edel and Leanna Boone, Anamosa Pumpkinfest Committee. 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 Crump, second by Shaffer to approve the minutes of the August 27, 2018 Regular Council meeting. All Ayes. Motion Carried.

PUBLIC HEARINGS:

Public Hearing on Proposed Development Agreement with Blue Max Enterprises, Inc. Including Annual Appropriation Tax Increment Payments

Mayor Barnes opened the public hearing at 6:01 p.m. No comments were offered by the public present and no written or verbal comments had been received prior to the hearing.

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

Public Hearing on Proposal to Sell and Convey the Old Hospital site to Weber Stone Company

Mayor Barnes opened the public hearing at 6:02 p.m. Weimer stated that she had received several comments from the public questioning why previous city properties were sold for the cost that City had invested in the property. Discussion followed. No comments were offered by the public present and no written or verbal comments had been received prior to the hearing.

Motion by Rod Smith, second by Shaffer to close the public hearing at 6:04 p.m. All Ayes. Motion Carried.

COMMUNITY BETTERMENT:

Resolution Approving and Accepting the Work Done by Boomerang (previously Ricklef's Excavating) on the 2nd Street Lift Station and Sewer Improvements Project

Motion by Weimer, second by Kay Smith to approve **Resolution 2018-34** Approving and Accepting the Work Done by Boomerang (previously Ricklef's Excavating) on the 2nd Street Lift Station and Sewer Improvements Project.

Rod Smith questioned why the completion deadline was extended. Discussion followed. Rod Smith questioned why during the project there were between 10 and 14 days of no work activity by the contractor. Judy Rose, 206 S. Davis Street addressed the Council stating that the City's promise to return the effected property, in this case her grass right-of-way area to 'pre-construction' condition, which is was not. She explained that she had contacted the City Clerk and then the City Administrator regarding this area which is now patchy and weedy. Jacob explained that he and Tammy had contacted the engineer and on the last contact with engineer he had looked at the property in question and also looked at the pictures provided by the engineer, who felt the work was acceptable. Discussion followed. Judy stated that this area needs to be tilled up and re-seeded. Dan Smith offered to get with the contractor and rectify the situation. Jacob stated he will follow up with engineer to determine how this situation may affect the retainage as Weimer had questioned. Roll Vote. All Ayes. Motion Carried.

Resolution Approving Development Agreement with Blue Max Enterprises, Inc., Including Annual Appropriation Tax Increment Payments

Motion by Weimer, second by Rod Smith to approve **Resolution 2018-35** Approving Development Agreement with Blue Max Enterprises, Inc., Including Annual Appropriation Tax Increment Payments. Crump asked if in 5 years the property owner decided to sell the property does the agreement transfer to the new owner. He questioned how that would affect the terms of the grant agreement. Discussion followed. Crump also suggested that the City require full insurance coverage on the property. Jacob stated he felt that this could be added as a stipulation. Doug Wortman, property owner, stated that they have full replacement coverage on the property as this is also required by IEDA. Roll Vote. All Ayes. Motion Carried.

Resolution Approving the Sale and Conveyance of Old Hospital Site to Weber Stone Company

Motion by Shaffer, second by Crump to approve **Resolution 2018-36** Approving the Sale and Conveyance of Old Hospital Site to Weber Stone Company.

Rod Smith asked if all of the right-of-way access into or out of the property had been secured. Jacob reviewed that section of the resolution that addressed this. Weimer questioned the street or alleyway to the east of the property that connected with N. Garnavillo Street. Discussion followed on the expenses that the City had invested in the property to this point. Roll Vote. All Ayes. Motion Carried.

Ordinance Amending Chapter 53 of the City Code 5to Prescribe New Regulations for Lawn Maintenance and Impose Penalties for Violations Thereof

Jacob stated this example of ordinance came from Clear Lake, Iowa. He explained the differences between the proposed ordinance and the current ordinance. He stated that the maximum grass height would be changed to 10” for all properties, not just commercial and it tightens up the time line on the notice to property owners. Discussion followed. Mike Dearborn, 405 N. Division Street addressed the Council stating that the City needs to make sure that our own city workers are following the portion of the ordinance where it prohibits the grass being mowed into the city streets before we can enforce it on the public. This proposed ordinance was tabled until Jacob meets with Adrian to review it and meet with the Police Department to get their opinion on enforcement ability.

Macy Soupene, 106 Theresa Avenue addressed the Council stating that she has a neighbor that lets his “weeds” grow thigh-high before he knocks them down. She requested that the Police Chief follow up on this property.

Ordinance Prohibiting Smoking and the Use of Tobacco, Nicotine Products and Electronic Smoking Devices in Public Parks

Motion by Shaffer, second by Machart to approve the **First Reading of Ordinance** Prohibiting Smoking and the Use of Tobacco, Nicotine Products and Electronic Smoking Devices in Public Parks. Jacob distributed an updated proposed ordinance with some minor changes. Discussion followed. Shaffer withdrew his motion and Machart withdrew his second. This proposed ordinance will be tabled until Jacob has an opportunity to have the City Attorney review the ordinance further.

Storm Water Problems on Chamber Drive and Within Meadow Ridge Development

Jacob updated the Council stating he had recently visited the area with the engineer and one of the developers. He stated he didn’t feel the water issue was bad as what he expected, but he feels that the next step in possibly addressing the water issue is to set up a meeting with all of the affected property owners to discuss the issues.

Macy Soupene, 106 Theresa Avenue addressed the Council stating that before building, an engineer should be consulted to come up with a drainage plan. Discussion followed. Linda Lyons, 423 Chamber Drive asked Jacob who were the people that recently walked the property. Jacob stated it was an engineer from Snyder & Associates and a developer. Linda stated that there have been four or five swales put in which are not legal as it forces water from one property on to another. She also stated that they now have mold accumulating in the wet areas. Linda stated she would like a decision from the City

Council on how to address the water issues and also a copy of the report from the engineer. Discussion followed.

Ralph Kepler, 402 Council Street addressed the Council stating he is new property owner. He then reviewed the statement in the covenants regarding storm water run-off issues. Ralph stated that he has an area of his property that is so wet that he cannot even mow it. Doug Wortman, 114 E. Main Street addressed the Council suggesting that they look a long term solution without the implementation of building codes. Jacob stated he will be setting a meeting with property owners.

PUBLIC SAFETY:

Beer and Liquor Licenses

Motion by Crump, second by Weimer to approve the renewal of Class E Liquor License and Class C Beer Permit for Fareway Stores, Inc. #166. All Ayes. Motion Carried.

Street Closures Request for 2018 Anamosa Pumpkinfest

Motion by Shaffer, second by Crump to approve the street closures request for 2018 Anamosa Pumpkinfest as submitted by the Pumpkinfest Committee. Discussion followed. It was clarified that the street closure on South Booth Street would be from 6:00 am until midnight (12:00am). All Ayes. Motion Carried.

PUBLIC WORKS: NONE

FINANCE:

Pay Requests No. 8 & 9 to Boomerang (formerly Ricklef's Excavating) for the 2nd Street Lift Station and Sewer Improvements Project

Motion by Shaffer, second by Machart to approve pay requests No. 8 & 9 to Boomerang (formerly Ricklef's Excavating) for the 2nd Street Lift Station and Sewer Improvements Project. Discussion followed. All Ayes. Motion Carried.

CITY ADMINISTRATOR'S REPORT:

Jacob gave a recap of the recent flooding event on the Wapsipinicon stating that this event was ranked the 3rd highest elevation. The Wapsi crested at 23.28 feet at the Shaw Road river gauge in the late evening on September 7th and has receded steadily since then. Buffalo Road was closed for short period of time, but there were no other damages or issues of concern.

Jacob reminded the Council of the two upcoming conferences that he will be attending, the Iowa League of Cities Conference and the ICMA Conference.

MAYOR AND COUNCIL:

John Machart, Landfill – reported that they will be leveling some old buildings, capping a well and they are working on LED lighting.

John Machart, E911 Board – reported that boosters are needed on several towers to address the dead spots and that Dubuque will be sharing in some of those costs.

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

Closed Session – City Administrator Evaluation

Motion by Crump, second by Weimer to enter into closed session at 7:31 p.m. per Iowa State Code Section 21.5(i) – To evaluate the professional competency of an individual who's appointment, hiring, performance or discharge is being considered when necessary to prevent needless and irreparable injury to that person's reputation and that individual has requested a closed session. All Ayes. Motion Carried.

Returned to open session at 8:20 p.m.

Adjournment

Motion by Kay Smith, second by Crump to adjourn at 8:20 p.m. All Ayes. Motion Carried.

Dale Barnes, Mayor

ATTEST:

Tammy Coons, City Clerk