

CITY HALL  
EVANSDALE, IOWA, APRIL 18, 2017  
CITY COUNCIL  
DOUG FAAS, MAYOR, PRESIDING

The City Council of the City of Evansdale, Iowa met in regular session, according to law, the rules of said Council and prior notice given each member thereof, in the Council Chambers of City Hall of Evansdale, Iowa at 6:00 P.M. on the above date. Council members present in order of roll call: Loftus, Dewater, Seible, Nichols, and Walker. Quorum present.

Walker/Seible to approve the April 18, 2017 agenda. Ayes-Five. Motion carried.

Mayor Faas to present the March 2017 Bunger Middle School Students of the Month as follows: Dustin Hofmann, Morgan Phillips, Winter McGee, Brady Boehmer, JoAnn Cameron, McKenna Anders, and Landen Foote.

Seible/Loftus to approve the following items on the April 18, 2017 consent agenda, excluding item b. Minutes and reports. a. Approval of April 4, 2017 regular meeting minutes as amended by correcting the response to passage of Resolution 6064 from Councilman Nichols stating that he wasn't in favor of the Ellendale project and that it appeared that nepotism was involved in selecting the contractor. c. Liquor License Renewal: Station Mart-Expires 05/05/2017; Pilot Travel Centers-Ownership change. Roll call vote: Ayes-Five.

Loftus/Seible to approve the following items on the April 18, 2017 consent agenda. Item b. Accept and place on file the minutes and reports from the following Departments, Boards, and Commissions (n/a = not available): Ambulance & Fire Report (Mar), Building Inspection Report (Mar), Clerk/Treasurer Report (Mar), Code Enforcement Report (Mar), Evansdale Municipal Housing (Mar), Library (Mar), Parks & Rec Dept. (Mar), Planning & Zoning (n/a), Police Dept. (Mar), Storm Water Commission (n/a), and Water Works (Mar). Councilman Seible questioned why the Planning & Zoning minutes were not on agenda. Mayor Faas responded that they were not available. Roll call vote: Ayes-Five.

Seible/Loftus to approve Resolution 6066 authorizing payment of bills and transfers. Roll call vote: Ayes-Five.

Request from Animal Control Officer to remove vicious animal from the city. Mayor Faas described the case and verified the name of dog to be Jetta. Dog owner, Ricky Daehler, 844 Brookside Ave., stated that his dog was not at fault for the Waterloo incident; he has a good dog, the incidents were just freak accidents. Councilman Loftus responded that he doesn't blame Mr. Daehler, it is the breed that can be inconsistent at times. Loftus then stated he is in favor of supporting the Animal Control Officer, Chris Schares' recommendation to remove the dog from the City. The Mayor explained the City Ordinance for pit bulls. Daehler stated he would do whatever he could to keep the dog. Councilman Dewater questioned Chris Schares if he has had contact with this dog. Chris answered no. Seible stated that a couple of weeks ago we gave a pardon to a resident in a similar situation and gave resident the opportunity to come into compliance with City Code. Sharon Loftus, 309 Morrell Ave., stated she loves animals but if her dog had killed another dog she would put her own animal down even if it hurt. Dewater stated that this case is more serious than the recent incident regarding vicious dogs, due to the fact that the dog had killed 2 other dogs. Dewater/Loftus to approve the Animal Controls Officers recommendation to remove the dog from the City. Roll call vote: Ayes-Three. Nays-Two (Seible, Nichols).

Walker/Dewater to approve Ordinance 649 amending Chapter 40, PUBLIC PEACE, of the Evansdale Code of Ordinances by adding section 40.06, Noise and Vibrations, first reading. Councilman Loftus

questioned how we will enforce this addition to the Ordinance. Mayor Faas responded that it will be similar to a speeding ticket, if they are caught in violation they will receive a ticket. Councilman Seible questioned Police Chief, Jeff Jensen where the vibration noise reading is taken from. Chief Jensen explained the decibel meter and how it works. Roll call vote: Ayes-Three. Nays-Two (Loftus, Nichols).

Dewater/Seible to approve as amended by removing a portion of paragraph 18 removing "that was built or repaired after the passage of Ordinance 615", Ordinance 650 amending Chapter 50, NUISANCES ABATEMENT PROCEDURE, of the Evansdale Code of Ordinances by changing the language and definitions, first reading. Mayor Faas stated he had a few questions for the Council regarding paragraph 18; asked them to read original Ordinance 615 and recommended to delete the reference "built before". The Mayor explained residents are wanting to be grandfathered in, which makes this Ordinance next to impossible to enforce. Roll call vote: Ayes-Five.

Walker/Loftus to approve Ordinance 651 amending Chapter 51, JUNK AND JUNK VEHICLES, of the Evansdale Code of Ordinances by changing the language and definitions, first reading. Roll call vote: Ayes-Five.

Dewater/Walker to approve Ordinance 652 amending Chapter 66, LOAD AND WEIGHT RESTRICTIONS, of the Evansdale Code of Ordinances by changing section 66.03 and adding section 66.05, first reading. Councilman Seible questioned how the ordinance change will be enforced. Mayor Faas responded that it would be difficult to catch offenders, but without the change we will not be able to enforce the truck traffic. He also stated that he would talk to local business owners about the new change. Councilman Walker stated that law enforcement will enforce like any other violation. Councilman Nichols questioned load limits on certain streets. Councilman Loftus questioned how the police department are going to enforce the load weights. The Mayor responded that it is based off what the vehicle is licensed for. Seible questioned how we would know how much the load is over the licensed weight. The Mayor responded that we don't need to know how much over the limit they are; they will receive a ticket for being on our roads with a truck that is licensed for 10 ton, it makes no difference if trailer is empty or a full load. Roll call vote: Ayes-Two. Nays-Three (Loftus, Seible, and Nichols). Motion failed. The Mayor asked what the council wants for load weight restrictions. Councilman Nichols responded he would like to see a designated truck route. The Mayor explained that most cities are moving away from the truck route signage, and moving toward the weight limit signs. Nichols/Walker to reconsider the motion. Roll call vote: Ayes-Three. Nays-Two (Loftus, Seible).

Walker/Dewater to approve Ordinance 652 amending Chapter 66, LOAD AND WEIGHT RESTRICTIONS, of the Evansdale Code of Ordinances by changing section 66.03 and adding section 66.05, first reading. Roll call vote: Ayes-Three. Nays-Two (Loftus, Seible).

Walker/Loftus to approve request from Angels Memorial Committee to hold the annual Child Safety Awareness Day at the Community Response Center on July 9, 2017 from 2:00 p.m. to 5:00 p.m. Ayes-Five.

Seible/Dewater to table request from Mayor Faas to have Waterloo Building Maintenance install 3 power fans in the roof at City Hall and add venting from bathroom to roof in an amount not to exceed \$2,745. Mayor Faas explained the issue that condensation was building up and leaking inside City Hall and had been occurring for several months. Councilman Dewater questioned the issue and stated that the fans can be very loud. Councilman Nichols questioned how moisture and condensation could get up there with a tared roof. The Mayor responded that we had 4 professionals on the roof and inside the attic to identify the issue in addition the vent fans were never vented all the way through the roof. Roll call vote: Ayes-Five.

Dewater/Seible to approve request from City Clerk to enter into an agreement with Simmering-Cory & Iowa Codification to have an online, searchable Code of Ordinances in an amount of \$750 with the annual web hosting in an amount of \$450. Ayes-Five. Motion carried.

Walker/Seible to approve request from Police Chief to purchase 4 new rifle sights from Harris Firearms in an amount not to exceed \$2,200. Police Chief, Jeff Jensen explained the purpose of the request. Councilman Loftus asked if this is in the budget. Jensen responded no, but he is using drug forfeiture funds. Ayes-Five. Motion carried.

Loftus/Seible to approve request from the Mayor to have B & B Lock & Key rekey Evansdale Senior Residences in an amount not to exceed \$1,200. Mayor Faas explained that the master set of keys was in the Knox box and cannot be located. Ayes-Five. Motion carried.

Walker/Seible to approve request from Public Works Director to accept quote from Frickson Backhoe & Trucking to repair a sewer main at Lafayette and Eldene Court and West of Eldene Court on Lafayette in an amount not to exceed \$6,000 (city will pay for materials). Mayor Faas explained that the amount requested will cover entire project. Ayes-Five. Motion carried.

Seible/Loftus to approve request from Mayor Faas to approve Municipal Pipe and Tool to televise approximately 3,500 linear feet of sanitary sewer and storm water lines in an amount not to exceed \$3,000. Mayor Faas stated the televising coincides with the 2017 Reconstruction projects. Heather, CGA, explained the need for the request. Ayes-Five. Motion carried.

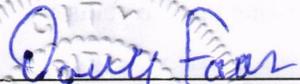
Discussion-UTV Ordinance. Mayor Faas discussed the possibility of an UTV ordinance and the concerns with licensing. The Mayor explained that if we were to proceed the city would need to issue their own license. Councilman Nichols stated concern with the ordinance as we have had issues with snowmobiles in the past. The Mayor questioned Police Chief, Jeff Jensen on his position with the ordinance. Jensen responded that he has looked over UTV owned by Mark Brown, of Elk Run Heights and it seemed safe and road worthy. Mr. Brown discussed the equipment added to come into compliance with Elk Run Heights requests. Councilman Walker asked if they are licensed vehicles. Mr. Brown responded no, not at this time. Councilman Dewater questioned if there would be restricted streets for the UTV's as we have with golf carts. Nichols stated he feels the UTV's should be licensed in our City. The Mayor proposed a \$25.00 license fee. Walker stated if we approve this he would like for it to be revisited in 1 year and see the problems we had, if any. City will put a draft on next agenda.

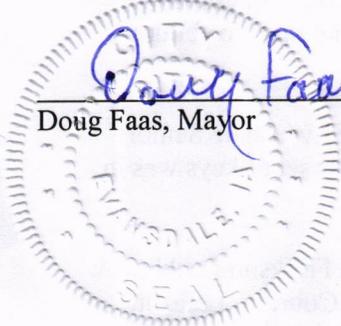
Mayor/Council Reports: Mayor Faas discussed the following items: a meeting would be held on Thursday April 20<sup>th</sup> for the NE Corridor Study; MPO committed \$280,000 for engineering only on the Lafayette Road Construction Project for calendar year 2020; Trail and Elmer storm water line wasn't flowing properly due to a 18" force main punched through storm water system, this could cost roughly \$35,000-\$40,000 if not more to repair. Councilman Dewater question if it would be easier to move storm sewer. Heather, CGA explained why it would be easier to move sewer pipe rather than storm sewer. Mayor Faas discussed River Forest Rd Project, Stating MidAmerican Energy is going to move some poles and the hydro seeding is to follow; The Michigan Ave. lift station pumps will ship in 2 weeks and the project cost is at approx. \$33,000. The Mayor also again asked for names from council members for the comprehensive plan committee. Councilman Walker stated that the blinking light on the stop sign at the corner of Evansdale Drive/McCoy Rd. wasn't working. Councilman Nichols questioned why there were trees taken down at City Hall. The Mayor explained that they were old ash trees that were dying and the DNR recommended it. Councilman Seible questioned cars that are for sale parking on the grass again. The Mayor responded that we have discussed this several times and this pertains to vehicles for sale and there is a gentlemen's agreement that if the lawn is groomed around the vehicle than it is acceptable. The Mayor responded that if the Council would like he will let the Code Enforcement Officer know that parking on the grass isn't acceptable at any

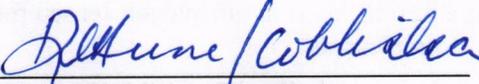
time. Councilman Loftus stated we are getting too nitpicky on some of the Ordinances. The Council agreed that cars should not park in grass for any reason from this point forward.

There being no further discussion, Loftus/Walker to adjourn the meeting at 7:41 p.m. Motion carried.

ATTEST:

  
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Doug Faas, Mayor

The seal of the City of Evansville, Indiana, is circular with a serrated edge. It contains the text "CITY OF EVANSVILLE, INDIANA" around the perimeter and "SEAL" at the bottom.

  
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DeAnne Kobliska, City Clerk