

CITY HALL
EVANSDALE, IOWA, APRIL 4, 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: Walker, Loftus, Dewater, Seible, and Nichols. Quorum present.

Walker/Loftus to approve the April 4, 2017 agenda. Ayes-Five. Motion carried.

Mayor Faas read proclamation encouraging our citizens to undertake personal and organizational efforts that will enhance the cleanliness, health and beauty in our community and state from Keep Iowa Beautiful.

Seible/Dewater to approve the following items on the April 4, 2017 consent agenda – a) Approval of March 21, 2017 regular meeting minutes. Roll call vote: Ayes-Five. Motion carried.

Seible/Nichols to approve Resolution 6063 authorizing payment of bills and transfers. Councilman Seible questioned Public Works Director, Chris Schares about an invoice for running gear for sand spreader. Schares responded we store the sand spreader on the running gear. Roll call vote: Ayes-Five. Motion carried.

Dewater/Loftus to approve request from Public Works Director to dispose of equipment for scrap value. Mayor Faas explained that he and Chris Schares have shopped around at used equipment dealers and no one was interested to purchase our old equipment. Councilman Seible questioned the disposal of old street sweeper. The Mayor responded that parts haven't been available for several years, in addition the brakes aren't working. Roll call vote: Ayes-Three. Nays-Two. (Nichols, Seible). Motion carried.

Loftus/Dewater to approve Resolution 6064 approving the proposed plans, specifications, form of contract, cost estimate, and accepting low bid for the project in the amount of \$18,053 to Frickson Backhoe & Trucking of Evansdale, Iowa, and authorizing Mayor to sign said documents for the Ellendale Drive Sanitary Sewer Extension Project. Councilman Nichols questioned the Ellendale project and stated he wasn't in favor of the contractor chosen. Mayor Faas explained that we put the contract up for bid and received two bids; this contract was several thousand dollars cheaper. Councilman Seible questioned placement of the sanitary sewer and if it was for developed lots. The Mayor responded no. Roll call vote: Ayes-Four. Nays-One (Nichols). Motion carried.

Walker/Nichols to approve Resolution 6065 fixing compensation for Paramedic Christian Staley. Councilman Nichols questioned if new paramedic will be responsible to mow the lawn. Mayor Faas responded he understands his job duties. Councilman Seible questioned if the hours of 8:00-5:00 will continue to work for the city. The Mayor responded we are still pursuing part time EMT for the weekends and other hard hours to cover. Seible questioned if there would be discussion on this position being paid hourly or salary. The Mayor explained he had several conversations with our attorney, and it is very difficult to determine hourly wage for this type of position. Councilman Dewater questioned if we will continue with previous arrangements for the part time EMT's being paid hourly. The Mayor answered yes. Seible asked how many part time EMT's have been hired. The Mayor responded that we now have 5 to 7 EMT volunteers. Roll call vote: Ayes-Five. Motion carried.

Loftus to approve request from Animal Control Officer, Chris Schares, to remove vicious animal from the

city. Motion died for lack of second. Penny Ramirez, 930 Central Ave., explained the circumstances that led up to the issue at hand with the dog, Molly. Mayor Faas explained the owner was in violation of: animal at large, 2nd bite incident, out of date Rabies vaccinations, not muzzled, and no leash. The Mayor recommended to the Council that the dog not be allowed back into the City. Ms. Ramirez appealed to Council her case. Councilman Dewater questioned if the neighbor felt threatened by the animal. Ms. Ramirez responded the neighbor is concerned because he has small children. Councilman Walker stated that all 4 of the regulations for having a dangerous animal in our City were broken. Dewater questioned Animal Control Officer, Chris Schares recommendation for this case. The Mayor responded that Chris recommends it be recognized as a vicious animal and it be removed from the City. Seible stated it should be on a case by case basis and we should consider giving them a second chance. Councilman Loftus pointed out that this is the 2nd time the dog bit the same person and we should follow the recommendation of our Animal Control Officer.

Seible/Nichols to deny request from Animal Control Officer, Chris Schares, to remove vicious animal from the city. Council agreed if the owner comes into compliance with pet license, rabies verification, and City Ordinance Chapter 55.14 before May 4th the animal can return to the city. Seible stated Ms. Ramirez should be given the opportunity to come into compliance before removing dog from the city. Dewater stated the citizen, whom was bitten, should have the opportunity to give their side of the story. Rick Marquette, 2707 Lafayette, Waterloo, IA stated he had a pet that would continually jump the fence. The Humane Society stated that if it continued he would be required to get insurance on his dog. The Mayor explained that most insurance companies will not cover certain breeds of dogs because of the high liability. Loraine Atkins, 625 River Forest Road, stated animals can attack without being antagonized. Seible stated he agreed with Dewater and would be interested in hearing from the person who was bit. Walker stated we should check with the City Attorney on what the legal time frame is to comply with the ordinance. Animal Control Officer, Chris Schares stated there are concerns because the home of the owner is near a school, in addition the police report states the pit bull bit the neighbor twice, legally that breed only has one chance to offend, and stated the animal has already exceeded its chances. Dewater questioned if the dog was aggressive towards Chris. Chris responded no. Councilman Nichols stated that no one is certain of what lead up to the bite incidents. Seible questioned if Ms. Ramirez was willing to come into compliance within 30 days. Ms. Ramirez responded that she has updated the shots, obtained a muzzle, and a leash, but will need to get a kennel. Seible informed her that she would have to come into compliance with the Animal Control Officer before Molly could return to the city. Ms. Ramirez responded she wouldn't have the dog out much as she has difficulty restraining the dog due to the dog's strength. She also requested more than 30 days to come into compliance. Seible responded no. John Peverill, 543 East End, questioned the Council if any of them have ever been bitten by a dog. Majority responded yes. John continued and questioned the council how they would feel about the dog that bit them being allowed back into town after being bitten twice, or if something were to happen to a child because of this decision. The Mayor stated for the record, he feels the Councils decision is a mistake. Ayes-Four. Nays-One (Loftus). Motion carried.

Distribution/Discussion: ordinance amendments: Mayor Faas questioned how the Council wanted the language to read in Chapter 50 regarding the structure dimensions of a trailer. Councilman Walker stated that utility trailers come as either flat bed or with a box. The Mayor questioned City Attorney, Laura Folkerts, to clarify definition and amend if needed. The Mayor went on to Chapter 50.02 section 21(D), regarding language for boats; Chapter 51, language including additional lawn mowers, snow blowers or bicycles. City Attorney Folkerts stated it would be best to include bikes in chapter 51 and lawn mowers and snow blowers in chapter 50. The Mayor questioned Laura how the language would be amended. she responded that it should be amended by including quantities and working condition. Tom Nichols, 616 Grand Blvd., questioned why a resident with ample back yard would be required to have their camper on a hard surface. The Mayor responded that it was requested by Council. Bill Nichols, 221 Oakwood Dr., stated he had several pieces of equipment that he uses but does not have room to store in his garage. John Peverill, 543 East End, stated several people used nonfunctioning items as lawn ornaments. Mayor Faas responded

that tactful lawn ornaments were taken into consideration. Councilman Dewater stated that we are trying to address nuisances that can be abated. Councilman Seible questioned how the Code Enforcement Officer would proceed once the ordinances are passed. The Mayor responded we would address the severe cases first and then by sections thereafter. Councilman Loftus questioned how the changes to ordinance 66 would allow us to enforce the ton limit. Mayor Faas responded that the semis are required to have a weight tag on the side.

Public Discussion-Non-agenda items: John Peverill, 543 East End, questioned which buildings we are attempting to purchase. Mayor Faas stated we haven't officially purchased any as of now. Don Mc Kinney, 542 Home Acres, questioned if we have an ordinance for dead trees and if one in his area could be looked at. The Mayor responded yes.

Mayor/Council Reports: Mayor Faas discussed the following items: he requested 3 to 4 names from each Council member to be considered for the comprehensive plan committee; the possibility of adding flashing lights and lowering speed limit at the intersections of Roosevelt Rd. and Lafayette Rd. during the morning and afternoon hours due to the schools at that location, he stated that he would place on the next agenda with a few quotes; informed every one of the meeting regarding the NE Corridor Study on April 20th at 5:00-6:30 p.m.; and the preliminary plans for 2017 road reconstruction will be on the May 2nd Agenda.

There being no further discussion, Loftus/Walker to adjourn the meeting at 7:22 p.m. Motion carried.

ATTEST:

Doug Faas, Mayor

DeAnne Kobliska, City Clerk