

COUNCIL PROCEEDINGS

October 5, 2020

On Monday, October 5, 2020 at the Municipal hall at 7:00 p.m. the regular meeting of the Council, City of Fredericksburg Chickasaw County was held.

Mayor Jimmy Mitchell in the chair called the meeting to order at 7:00 p.m. with Council Members Doreen Cook, Dean Speicher, Randy Leach, Kyle Wendland, Sheriton Dettmer

Employees present were Cindy Lantow

Guests present Colleen E.hr; Amanda M from F'Burg Review; Sheriff Marty Hemann;

The Pledge of Allegiance was said by all in attendance.

A motion was made by Wendland second by Leach to approve the consent agenda with the approval of the agenda; Minutes of the September 9, 2020 Council meeting; Financial reports for August 2020; Summary List of Bills; Overtime / Comp. time for September 2020. Cook asked that the bill for K CONSTRUCTION is held out and not paid until we have proof of all the bills being paid. All members present voting aye, motion carried.

Under the Mayor's comments, Mayor Mitchell welcomed the government class students.

Citizen Forum – there were no comments.

Sheriff Marty Hemann presented the September 2020 Law Report. The month of September 68.5 hours being spent in Fredericksburg with a total of 212 for July – September 2020. Sheriff Hemann went over the highlights of the report.

Old Business – Substation – no updates at this time.

City Attorney updates – have school papers now to go and be recorded.

Building Permit – 308 E. High – deck – After discussion, a motion was made by Leach second by Speicher to approve as presented. All members present voting aye, motion carried.

Library – The library did not provide a monthly report. Jimmy stated that Jackie Kush was hired as the head librarian and her official start date is October 20.

New Business

Change order #4 for the 2020 Utility Improvements in the amount of \$1,924.00 – Discussion was held on the change order and a motion was made by Cook second by Dettmer to approve the change order #4 in the amount of \$1,924.00. All members present voting aye, motion carried.

Payment Request #4 for the 2020 Utility Improvements in the amount of \$36,164.12 – The Council reviewed the payment request and a motion was made by Leach second by Dettmer to approve the payment #4 in the amount of \$36,164.12. All members present voting aye, motion carried.

Update on Grove Street – Speicher commented that everything is seeded and they will be pouring the curb & gutter yet this week. All seems to be going well. It was noted that the City has received good comments on

the blacktopping on High Street. Speicher stated that they needed to cement the “diamonds” around the manholes on High Street. No action taken during this discussion.

Agreement for City Bridge Federal-Aid Swap Funding – This agreement was presented for Council approval and after discussion, a motion was made by Dettmer second by Leach to approve as presented. All members present voting aye, motion carried.

TIF Report – The Annual TIF (Tax Increment Financing) Report was presented for approval. After review, a motion was made by Dettmer second by Leach to approve as presented. All members present voting aye, motion carried.

Valuation of Land & Dwellings – Mayor Mitchell gave a report from a meeting he had attended on the valuation of land and dwellings here in Fredericksburg. We have had growth in Residential, Commercial and Industrial. There are good things happening in Fredericksburg. No action taken during this discussion

Pool Handbook – The Pool Handbook was presented for approval and a motion was made by Dettmer second by Wendland to approve. All members present voting aye, motion carried.

City Hall – Quote for Repairs – A price of \$11,790 to fix the gable ends around the City Hall roof was presented to the Council from Peters Construction. This is something that needs to be done as soon as we can, so a motion was made by Dettmer second by Speicher to get this work done. All members present voting aye, motion carried.

Cross Walk by Kerry – Dettmer had talked to Kerry about the cross walk that they have and explained that it needed to be approved by the City. After some discussion on this, a motion was made in the form of a resolution approve the crosswalk and to put up cross walk ahead signs by Dettmer with a second by Leach. Ayes: Dettmer, Cook, Wendland, Leach. Nays: Speicher. Whereupon the Mayor declared Resolution No. 1312-10-2020 passed and approved as of this date.

Ordinance Amendment - Animal Protection & Control – a motion was made by Dettmer second by Leach to table until the November 2020 Council Meeting. All members present voting aye, motion carried.

Ordinance Amendment – Discussion on adding a section for Chickens / Rules – Cook and Dettmer will be working on this. A motion was made by Speicher second by Wendland to table until the November 2020 Council Meeting. All members present voting aye, motion carried.

Ordinance Amendment – UTV – Ordinance No. 238-10-2020 - An Ordinance Amending the Code of Ordinances of the City of Fredericksburg, Iowa, By Amending Golf Carts and UTV's was presented for Council approval. The major change was that if the UTV is registered in the County, the UTV will not need to be registered in the City of Fredericksburg. All other rules will stay the same. Motion by Cook second by Dettmer that the rules governing the adoption of the Ordinance be suspended in order that this Ordinance No. 238-10-2020 be placed upon its passage. Ayes: Speicher, Dettmer, Cook, Wendland, Leach. Nays: None. Carried. Motion by Cook second by Leach that Ordinance No. 238-10-2020 be declared as having its first, second, and third readings and that the same be prepared for adoption. Ayes: Leach, Wendland, Cook, Dettmer, Speicher. Nays: None. Carried. Moved by Cook second by Dettmer that Ordinance No. 238-10-2020, An Ordinance Amending the Code of Ordinances of the City of Fredericksburg, Iowa, By Amending Golf Carts and UTV's be adopted. Ayes: Leach, Wendland, Cook, Dettmer, Speicher. Nays: None. Whereupon the Mayor declared Ordinance No. 238-10-2020 duly adopted under the suspension of the rules and to be in full force and effect from and after its publication in a newspaper of general circulation in the City of Fredericksburg, Iowa.

Blacktop – Alley – Colleen E.hr – Research shows that this area is a City alley and was never abandoned and is considered City property. Colleen would like to see the blacktop put back as without it decreases her property value. After discussion, a motion was made by Cook second by Wendland to leave this as an alley and that the City will put in the necessary rock. All members present voting aye, motion carried.

Park Closed Signs – Discussion was held and a motion was made by Leach second by Speicher to table until the November 2020 Council meeting so that prices of signs and a review of the ordinance could be. All members present voting aye, motion carried.

FCDC Loan Request – on behalf of the FCDC a request was made for a construction loan of \$100,000 at 1% interest and to be used for the Spec Building going up in the Industrial Park. Discussion was held and after the discussion, a motion was made by Dettmer second by Leach to approve this loan request. All members present voting aye, motion carried.

TSF Soccer Agreement – This agreement was presented for Council approval. The Council reviewed and then a motion was made by Dettmer second by Speicher to approve. All members present voting aye, motion carried.

Shannon & Wade Wurzer discussed with the Council the fact that some people that walk on the Trail end up going on their property. They requested that the Council close off a portion of the Trail from Mattke Park to the West Cemetery from the last week of September to at least January 15 and maybe longer depending on weather. They want to be able to enjoy their property for hunting and it is safer if that portion of the trail is shut off during that time. After much discussion, a motion was made by Speicher second by Dettmer that that portion of the Trail will be shut off from the last week of September to at least January 15 or opening in the spring at the City's discretion with Wade purchasing and putting up the gates. All members present voting aye, motion carried.

Wade also talked about the farm drive that was asphalted and wondered if that asphalt could come out. A motion was made by Cook second by Dettmer to do so. The Council directed that Curt would get in touch with Wade to see what needs to come out. All members present voting aye, motion carried.

Mayor Mitchell went over the Action Board with the Council. Councilman Dettmer gave a report on the Clean-up day – there were about 57 people that utilized the day; 3.5 ton of metal / steel was collected and 2-30-yard roll offs were filled. The Council will be looking at possibly doing one in the Spring. Council member Cook gave a report on the Sewer Committee Meeting that had taken place with Kerry and stated that it went well. Cindy was directed to send some letters to some properties letting them know that they needed to get them cleaned up.

Ambulance Law Suit – Possible Closed Session – A motion was made by Cook second by Leach to go out of regular session to discuss the Ambulance Law Suit. All members present voting aye, motion carried. A motion by Cook second by Dettmer to go into closed session for discussion due to the fact that the City is in litigation regarding the Ambulance Law Suit. Ayes: Speicher, Dettmer, Cook, Wendland, Leach. Nays: None. Motion carried.

A motion was made by Dettmer second by Cook to go back into regular session. All members present voting aye, motion carried.

There being no further items that needed council action at this time, a motion was made by Dettmer second by Wendland to adjourn at 9:20 p.m. All members present voting aye, motion carried.

The next regular Council meeting will be on Monday, November 2, 2020 at 7 p.m. in the Council Chambers.

Jimmy Mitchell, Mayor

ATTEST:

Cindy Lantow, City Administrator

CLAIMS REPORT

VENDOR	REFERENCE	AMOUNT
20/20 FX	LABOR / SUPPLIES	130.00
ALL STOP	GAS	173.51
AMAZON.COM	BOOKS / SUPPLIES	664.54
BLACK HILLS ENERGY	GAS SERVICE	145.66
BUTLER COUNTY REC	ELECTRIC SERVICE	118,310.56
CEDAR VALLEY BLDG SUPPLY	MATERIALS	1,017.03
CENGAGE LEARNING	LIBRARY SUPPLIES / BOOKS	118.77
CENTER POINT LARGE PRINT	LIBRARY BOOKS	499.14
CHICKASAW CO ENGINEER	LABOR	234.49
CHICKASAW CO EXTENSION	REGISTRATION FEES	175.00
CINDY LANTOW	CELL PHONE REIMBURSE	40.00
CITY OF FREDERICKSBURG	ELECTRIC SERVICE	11,223.94
CNH CAPITAL	MATERIALS	235.35
DEARBORN NATIONAL LIFE	LIFE INSURANCE	60.30
EFTPS	FED/FICA TAX	2,019.41
EFTPS	FED/FICA TAX	2,054.01
EFTPS	FED/FICA TAX	4,073.42
ELECTRONIC ENGINEERING	PAGERS	854.00
ELLIOTT EQUIPMENT CO	GARBAGE TRUCK REPAIR	2,595.91
F'BURG FOOD CENTER	SUPPLIES	290.34
F'BURG PLUMBING & HEATING	LABOR / MATERIALS	265.04
FARMERS WIN COOP	GAS/DIESEL/SUPPLIES	1,123.67
FLOYD MITCHELL LANDFILL	LANDFILL CHARGES	1,721.16
HAWKINS INC	CHEMICALS	1,427.66
HSA - CINDY LANTOW	HSA PRE-TAX	50.00
HSA - KIM HOFFMAN	HSA PRE-TAX	50.00
HSA- ROBERT SCHULZ	HSA PRE-TAX	100.00
IAMU	SEWER LOAN-PRIN / INT	5,708.37
INSURANCE ASSOCIATES	INSURANCE	81.81

IOWA DNR	PROFESSIONAL FEES	95.00
IOWA ONE CALL	ONE CALLS	32.40
IPERS	IPERS - REGULAR	3,144.19
IPERS	IPERS - REGULAR	3,144.19
JAKES ELECTRIC, LLC	LABOR	3,500.00
JENDRO SANITATION SERVICES	RECYCLING CHARGES	2,767.20
JOHN DEERE FINANCIAL	SUPPLIES	17.84
K CONSTRUCTION	50% LABOR / MATERIALS	20,700.00
K CONSTRUCTION	LABOR/MATERIALS	20,700.00
K CONSTRUCTION	LABOR	4,140.00
LIBRARY JOURNAL	SUBSCRIPTION	157.99
MID AMERICAN RESEARCH CHEMICAL	CHEMICALS	1,028.73
MATTKE & ROGERS	LABOR	200.00
MEDIA COM	PHONE SERVICE	78.22
MEDIA COM	PHONE SERVICE	239.80
NEW HAMPTON AUTO BODY	LABOR	200.00
NORTH CENTRAL LABS	LAB SUPPLIES	50.92
NORTH CENTRAL LABS	LAB SUPPLIES	50.92
NORTHEAST IA COMM ACTION	YEARLY CONTRIBUTION	931.00
NORTHERN BALANCE & SCALE	LABOR	303.55
PLUNKETT'S PEST CONTROL	PEST CONTROL	41.60
RAPID PRINTERS/OFFICE WLD	OFFICE SUPPLIES	141.96
RICK'S SERVICE CENTER	LABOR	20.00
RICOH-WELLS FARGO	COPIER MAINTENANCE	83.00
RICOH-WELLS FARGO	COPIER MAINTENANCE	564.85
SPEICHER EXCAVATING	LABOR	216,773.85
SPEICHER EXCAVATING	LABOR / MATERIALS	36,164.12
STANTON ELECTRIC	LABOR / MATERIALS	3,341.73
STATE LIBRARY OF IOWA	DATABASE SUBSCRIPTION	80.86
TEAM LAB	CHEMICALS	1,225.00
TESTAMERICA LABORATORIES INC	TESTING	2,857.05
TREASURER STATE OF IOWA	STATE TAX	752.00
TREMAINE & BECKER LAW	LEGAL FEES	452.50
UNGGOY BROADBAND	PHONE SERVICE	19.95
UNITED HEALTH CARE	HEALTH PRE-TAX	2,791.89
US POST OFFICE	STAMPS	175.00
VANGUARD PUBLISHING	PUBLICATIONS	78.20
VANGUARD PUBLISHING	PUBLICATIONS	257.74
WEB DESIGN BY DUHROPF	WEB PAGE	229.99
Accounts Payable Total		<u>475,707.80</u>
Payroll Checks		<u>16,597.74</u>
***** REPORT TOTAL *****		<u>\$ 492,305.54</u>

GENERAL	68,623.01
WATER	8,816.13
WATER CAPITAL PROJ	126,468.98
SEWER	19,980.44
SEWER SINKING	5,708.37
SEWER CAP PROJ	126,468.99
ELECTRIC	125,461.85
LANDFILL/GARBAGE	<u>10,777.77</u>
TOTAL FUNDS	\$ 492,305.54

ORDINANCE NO. 238-10-2020

An Ordinance Amending the Code of Ordinances of the City of Fredericksburg, Iowa, By Amending GOLF CARTS and UTV'S.

Be It Enacted by the City Council of the City of Fredericksburg, Iowa:

Section 1. SECTIONS AMENDED. Chapter 81, of the Code of Ordinances of the City of Fredericksburg, Iowa:

DEFINITIONS

2. *"Off-road utility vehicle"* as defined in Iowa Code Section 321.1 (17)(a), means a motorized vehicle, with not less than four and not more than eight non-highway tires or rubberized tracks, that has a seat that is of bucket or bench design, not intended to be straddled by the operator, and a steering wheel or control levers for control. *"Off-road utility vehicle"* includes the following vehicles:
 - (a) "Off-road utility vehicle – type 1" means an off-road utility vehicle with a total dry weight of one thousand two hundred pounds or less and a width of fifty inches or less.
 - (b) "Off-road utility vehicle – type 2" means an off-road utility vehicle, other than a type 1 off-road utility vehicle, with a total dry weight of two thousand pounds or less, and a width of sixty-five inches or less.
 - (c) "Off-road utility vehicle – type 3" means an off-road utility vehicle with a total dry weight of more than two thousand pounds or a width of more than sixty-five inches, or both.

UNLAWFUL OPERATION

1. No golf carts or UTV's shall be operated or parked upon City sidewalks or trails unless you have received permission to do so.
2. No golf cart or UTV shall be operated under the influence of intoxicating liquor, narcotics or habit-forming drugs.
3. No person shall operate a golf cart or UTV in a careless, reckless or negligent manner so as to:
 - 1) Endanger any person, including the operator;
 - 2) Cause injury or damage to any person or any property; or
 - 3) Create unnecessarily spinning, skidding, sliding or cause any wheel or wheels to unnecessarily lose contact with the road surface.
4. Without a lighted headlamp and taillight at such times when conditions provide insufficient lighting to render clearly discernible persons and vehicles at a distance of five hundred (500) feet ahead. **(UTV's)**
5. Without at least one mirror so located as to reflect to the operator a view to the rear of the vehicle a distance of at least 200 hundred (200) feet. **(UTV's)**
6. Without operable turn signals. **(UTV's)**
7. No golf cart or UTV shall carry more passengers than golf cart or UTV is designed for.
8. All passengers must be seated and seatbelts buckled if so equipped.
9. No one under the age of five (5) years old shall be a passenger at any time.
10. With more persons on the vehicle than it was designed to carry.

EQUIPMENT REQUIRED Golf carts and UTV's operated upon City streets shall be equipped with a 12x12 inch slow moving vehicle sign and a bicycle safety flag (flag height need to be at 6ft. (72 inches) in the air at all times during operation and shall be equipped with adequate brakes.

HOURS Golf carts and UTV's may be operated on City streets only between sunrise and sunset. (Even though your golf cart or UTV has lights on it, this does NOT permit you to operate after sunset.) They shall not be operated when visibility is such that there is insufficient light to clearly see person and vehicles at a distance of 500 feet.

TRAFFIC LAWS APPLICABLE While being operated on City streets, golf carts and UTV's are deemed to be motor vehicles and are subject to all provisions relating to the operation of motor vehicles, including if equipped with blinkers or light that they run at all times.

LIABILITY INSURANCE No person shall operate a golf cart or UTV on city streets and alleys unless there is in effect for the golf cart or UTV an owner's policy of liability insurance.

CITY PERMIT REQUIRED

No person shall operate a golf cart or UTV on any public street or alley, for any purpose, unless the operator possesses a City of FREDERICKSBURG's permit to operate a golf cart or UTV on City streets, issued by the City Administrator. **UTV's ...** *if the UTV is registered with Chickasaw County then it does not need to be registered in the City of Fredericksburg. IF the UTV is not registered with Chickasaw County, then the UTV will NEED to be registered in the City of Fredericksburg.*

1. Golf cart or UTV owners may apply for a permit from the City Administrator on forms provided by the City.

2. The Administrator shall not issue a permit until the owner / operator has provided

the following:

a. Evidence that the operator is at least 16 years of age, and possesses a valid Iowa Driver's License.

b. Proof that owner and operator have liability insurance covering operation of golf carts or UTV'S on City streets in the amount required by Iowa Code.

3. All permits shall be issued for a specific golf cart or UTV. Permit holders will be issued a number and a sticker to affix to the left side rear fender or similar component.

4. The fee for such permits shall be thirty dollars (\$30.00). Permits will be granted for one (1) year valid from January 1 through December 31. Permits may be purchased at any time during the year but will be valid only through December 31.

5. The permit may be suspended or revoked by the City upon finding evidence that the permit holder has violated the conditions of the permit or has abused the privilege of being a permit holder. There will be no refund of the permit fee.

Passed by the Council the 5th day of October,2020 and approved this 5th day of October, 2020.

Mayor Jimmy Mitchell

ATTEST: _____

Cindy Lantow, City Administrator

I certify that the foregoing was published as Ordinance No. 238-10-2020 on the 15th day of October, 2020.

_____, Cindy Lantow, City Administrator