

## COUNCIL MEETING NOTES

January 4, 2021

On Monday, January 4, 2021 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 Dean Speicher, Doreen Cook, Randy Leach, Sheriton Dettmer, and Kyle Wendland present.

Employees present were Cindy Lantow

Guests: Sheriff Marty Hemann, Amanda Moenk from F'Burg Review,

The Pledge of Allegiance was said by all in attendance.

A motion was made by Dettmer, second by Cook to approve the consent agenda with the approval of the agenda; Minutes of the December 7 and December 23, 2020 Council meetings; financial reports for November 2020; Summary List of Bills; Overtime / Comp. time for December 2020. All members present voting aye, motion carried.

Citizen Forum – no one from the audience spoke at this time.

*Law Report* – Sheriff Marty Hemann presented the December 2020 Law Report. There were 94.5 hours worked during the month of December 2020 with 518.0 total hours being worked in Fredericksburg from July to December 2020. The average number of hours worked per month for July – December is 86.33 hours per month. The Sheriff noted that with the last snow there were no cars parked on the street; so, no snow tickets were issued and he also pointed out 2 dog incidents this past month.

*Old Business* –

*Substation* – The Mayor stated that he has been in contact with Matt Mahoney and they are not having much luck in securing the current location they have been working on. The Mayor also stated that there may be an alternate location. No action was taken at this time. It was agreed that we would wait an additional 60 days to see what happens.

*Tablets / IPADS for City Council Members* – It was decided to table this at this time until some members can try them out at a meeting. Cindy will let them use her IPAD to see how it works. No action taken at this time.

*City Attorney updates* – The Mayor stated that some documents have been requested from a party on building permits and regulations. This has been turned over to the City Attorney to respond as needed.

*Building Permit* – None at this time.

*Library Report* – will be emailed to the Council.

## New Business

*Approval of Committee Appointments by Mayor* – The Mayor stated that he would like to appoint the same people to the current committees that they are working on. The only change he would like to see is that there is no chairman to the committee as he feels all can work together without a chairman. A motion was made by Leach second by Speicher to keep the committees the same and to not have a committee chairman. All members present voting aye, motion carried.

*Appointments to Ambulance Council & EMA Board* – Each January either the Mayor or a member of the Council needs to be appointed to the Ambulance Council and the EMA Board. In the past, the Mayors have been on these boards. After discussion, a motion was made by Cook second by Dettmer to appoint Jimmy Mitchell, Mayor to the Ambulance Council. All members present voting aye, motion carried.

*Emergency Management Commission appointment* – A motion was made in the form of a resolution to appoint Jimmy Mitchell, Mayor to the Emergency Management Commission by Dettmer, second by Leach. Ayes: Cook, Dettmer, Wendland, Leach, Speicher. Nays: None. Whereupon the Mayor declared Resolution No. 1315-01-2021 passed and approved as of this date. (Resolution No. 1315-01-2021 can be found at the end of these minutes).

It was also noted that an alternate needed to be appointed a motion was made in the form of a resolution by Leach second by Cook that Sheriton Dettmer will be the alternate on the Ambulance Council and Emergency Management Commission and to add his name to the above Resolution No. 1315-01-2021. Ayes: Cook, Wendland, Leach, Speicher, Dettmer. Nays: None. Whereupon the Mayor declared Resolution No. 1315-01-2021 passed and approved as of this date.

*Mileage Rate for 2021* – A motion was made by Dettmer second by Wendland to approve the mileage rate for 2021 at 56 cents per mile following the IRS rate. All members present voting aye, motion carried.

*Liquor License Renewals – City of F'Burg and Fredericksburg Food Center* – A motion was made by Cook second by Speicher to approve the Liquor License for Fredericksburg Food Center. All members present voting aye, motion carried. Discussion was held on renewing the City of Fredericksburg's with a motion being made by Speicher second by Cook to table until the February 2021 Council Meeting. Ayes: Cook, Speicher, Leach, Wendland. Nays: Dettmer. Motion carried. Cindy will look into some options for the City and get some pricing.

*Ordinance Amendment – Animal Protection & Control* – The Mayor went over some concerns that Denise Gordon had expressed to him as she was unable to attend the meeting. One of her biggest concerns was the fact that the breed of dog was being taken out of the ordinance. After discussion, a motion was made by Cook second by Dettmer that the 1<sup>st</sup> reading be held on Ordinance No. 240-01-2021, An Ordinance Amending the Code of Ordinances of the City of Fredericksburg, Iowa – Chapter 55 – Animal Protection and Control - AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF FREDERICKSBURG, IOWA, CHAPTER 55 – ANIMAL PROTECTION AND CONTROL - BE IT ENACTED by the City Council of the City of Fredericksburg, Iowa:

**SECTION 55.01 (4). AMENDED SECTION.** “Dangerous animals” means: Any animal with a propensity, tendency or disposition to attack, to cause injury to or to otherwise endanger the safety of humans or domestic animals.

**SECTION 55.05 AMENDED SECTION. LIVESTOCK.** It is unlawful for a person to keep livestock within the City except by written consent of the Council. This provision shall also apply to owners of agriculture land located within the City limits. Livestock approval must follow Iowa Administrative for recommended size of lot.

**SECTION 55.08 AMENDED SECTION. ANNOYANCE OR DISTURBANCE.** It is unlawful for the owner of a dog or any animal to allow or permit such dog or any animal to cause serious annoyance or disturbance to any person by frequent and habitual howling, yelping, barking, or otherwise, or by running after or chasing persons, bicycles, automobiles or other vehicles. The following acts and circumstances are hereby declared to be prohibited nuisances.

1. An owner that keeps an animal on private property in such number or in such manner that allows for the accumulation of solid waste of such animal which becomes a detriment to or menace to the health of the animal, or an annoyance to humans.

2. An owner that allows or permits any dog, cat or animal to cause serious annoyance or disturbance to any person or persons by frequent and habitual howling, baying, barking, whining, growling, meowing, quacking, or make a sound of any kind or nature.

3. An owner that allows an animal to cause any damage or defilement to public or private property.

4. An owner that allows an animal to threaten, harass, attack, bite or claw any person or animal on public or private property who has a legitimate reason to be thereon.

**55.18 – ADDING NEW SECTION. LIABILITY FOR DAMAGES**

The owner of a dog / other animal shall be liable to an injured party for all damages done by the dog or other animal, when the dog or other animal is caught in the action of worrying, maiming, or killing a domestic animal, or the dog or other animal is attacking or attempting to bite a person, except when the party damaged is doing an unlawful act, directly contributing to the injury. This section does not apply to damage done by a dog / other animal affected with hydrophobia and by reasonable effort might have prevented the injury

Ayes: Cook, Dettmer, Speicher, Leach, Wendland. Nays: None. Motion carried and the Mayor declared Ordinance No. 240-01-2021 as having its first reading. The Ordinance will be presented at the February 2021 for the 2<sup>nd</sup> and possible 3<sup>rd</sup> readings.

*Ordinance Allowing Chickens* – ORDINANCE NO 239-12-2020 - AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF FREDERICKSBURG, IOWA, BY ADDING SECTION 55.05 – (a) – CHICKENS / DUCKS was presented to the Council for the 2<sup>nd</sup> and possible 3<sup>rd</sup> readings. Motion by Cook second by Wendland that the rules governing the adoption of the Ordinance be suspended in order that this Ordinance No. 239-12-2020 be placed upon its passage. Ayes: Cook, Wendland, Dettmer, Speicher. Nays: Leach. Motion carried. Motion by Cook second by Wendland that Ordinance No. 239-12-2020 be declared as having its second and third readings and that the same be prepared for adoptions. Ayes: Cook, Wendland, Dettmer, Speicher. Nays: Leach. Motion carried. Moved by Cook second by Wendland that Ordinance No. 239-12-2020, An Ordinance Amending the Code of Ordinances of the City of Fredericksburg, Iowa, by Adding Section 55.05 (a) – Chickens / Ducks be adopted. Ayes: Cook, Wendland, Dettmer, Speicher. Nays: Leach. Whereupon the Mayor declared Ordinance No. 239-12-2020 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. (Ordinance No. 239-12-2020 can be found at the end of these minutes).

*Recycling Contract with Jendro – Extension* - an extension to our current contract was presented to the Council for their consideration with the date being extend to January 31, 2021 which is a one-month extension. A motion was made by Dettmer second by Leach to approve this extension. All members present voting aye, motion carried.

*Enter into new contract* – A new contract with Jendro Sanitation for recycling pickup was presented for discussion and possible approval. This contract would start February 1, 2021 and go to December 31, 2025 with Jendro charging the City \$6.20 per household per month and \$21.00 per month per business for weekly cardboard collection. After discussion, a motion was made by Dettmer second by Leach to approve the contract as presented. All members present voting aye, motion carried.

*Setting Recycling price – by Ordinance* – Discussion was held on the fee the City will charge for recycling pickup. A motion was made by Leach to charge \$7.00; motion dies for a lack of a second. A motion was made by Dettmer to charge \$6.50 per household second by Wendland. Motion carried. After discussion, a motion was made by Dettmer second by Wendland that the 1<sup>st</sup> reading be held on Ordinance No. 241-01-2021, – An Ordinance Amending the Code of Ordinances of the City of Fredericksburg, Iowa, by Amending Provisions Pertaining to Curbside Recycling in the City of Fredericksburg, Iowa - Be It Enacted by the City Council of the City of Fredericksburg, Iowa: Section 1. SECTION MODIFIED. Sections 106.09 of the Code of Ordinance of the City of Fredericksburg, Iowa, 2006 is repealed and the following adopted in lieu thereof: **106.09 SECTION AMENDED - CURBSIDE RECYCLING.** The fee for residential and commercial curbside recycling service, used or available, is \$6.50 per month. The curbside recycling fee shall be charged on the monthly utility bill in addition to the regular garbage charge from the City. Recycling materials will be picked up every other week. Curbside recycling is mandatory. Ayes: Cook, Dettmer, Speicher, Wendland. Nays: Leach. Motion carried and the Mayor declared Ordinance No. 241-01-2021 as having its first reading. The Ordinance will be presented at the February 2021 for the 2<sup>nd</sup> and possible 2<sup>nd</sup> & 3<sup>rd</sup> readings.

*4 new overhead doors for Fire Station* – There are 4 doors that are very inefficient and since the 5<sup>th</sup> door has been replaced due to damage, it would be a good time to get new doors so they all match and are more efficient. The Mayor stated that the money could come out of the dollars that are saved for a truck for this year. The price for the 4 doors is \$17,800 plus \$500 per door for installation for a grand total of \$19,800. After discussion, a motion was made by Cook second by Leach to purchase the doors and to have installed. All members present voting aye, motion carried.

*Acceptance of Kim Hoffman's Resignation* – Kim Hoffman's resignation letter was presented to the Council for action. A motion by Dettmer second by Speicher to accept her resignation. All members present voting aye, motion carried. The Mayor stated that we wish Kim well in all of her future endeavors and thanked her for her time here at the City.

*Advertising – Office Position* – Some discussion was held on changing this position to part-time. A motion was made by Cook second by Dettmer to allow Cindy to have Mary Jane Leach help out if needed for a few hours a week. All members present voting aye, motion carried. The Wage & Benefit committee will meet and work out a job description with the number of hours needed and job duties and bring their suggestions to the February 2021 meeting.

Ambulance Law Suit – A motion was made by Dettmer second by Wendland to go out of regular session. Ayes: Cook, Dettmer, Wendland, Speicher, Leach. Nays: None. Motion carried.

A motion was made by Dettmer second by Wendland to go into closed session at 7:50 p.m. for the following reason - Chapter 21.5 (c) – A governmental body may hold a closed session only by affirmative public vote of either two-thirds of the members of the body or all of the members present at the meeting. A governmental body may hold a closed session only to the extent a closed session is necessary for the following reason – (c) – To discuss strategy with counsel in matters that are presently in litigation or where litigation is imminent where its disclosure would be likely to prejudice or disadvantage the position of the governmental body in that litigation. Ayes: Cook, Dettmer, Wendland, Speicher, Leach. Nays: None. Motion carried.

No action was taken in the closed session at 8:30 p.m. A motion was made by Dettmer second by Leach to go out of closed session. Ayes: Cook, Dettmer, Wendland, Speicher, Leach. Nays: None. Motion carried.

A motion was made by Speicher second by Dettmer to go back into regular session at 8:30 p.m. Ayes: Cook, Dettmer, Wendland, Speicher, Leach. Nays: None. Motion carried.

Ambulance Discussion – Amended & Recast Intergovernmental Agreement for Ambulance Services in Chickasaw County, Formed Under Iowa Code Chapter 28E – The Council reviewed this agreement and discussed some possible changes. After discussion, a motion was made by Cook to approve the agreement with the following changes – in 6-B and “Other revenues” and in 7-A iii – correct the spelling of Fredericksburg. The motion dies for a lack of a second. A motion was made by Leach to approve the agreement as presented with a second by Dettmer. Ayes: Dettmer, Wendland, Speicher, Leach. Nays: Cook. The Mayor declared that the motion carried and that the Amended & Recast Intergovernmental Agreement for Ambulance Services in Chickasaw County, Formed Under Iowa Code Chapter 28E passed and approved as of this date.

Settlement Agreement – The Settlement was discussed and noted that if the City agrees to this, the City will pay their share of the \$25,000 for the use benefit of the Chickasaw County Ambulance Council. After discussion, a motion was made by Dettmer second by Wendland to approve as presented. Cook asked Jimmy to clarify how the payment is to be made and out of what revenue with Kennedy. Ayes: Dettmer, Wendland, Speicher, Leach. Nays: Cook. The Mayor declared that the motion carried and that the Settlement Agreement has been approved as of this date.

Action Board – Jimmy went over the Action Board and noted the things that can come off. Jimmy thanked the Council for all they do and stated we are getting things done and that is good!

A motion was made by Dettmer second by Leach to adjourn at 8:50 p.m. All members present voting aye, motion carried.

The next regular meeting of the Fredericksburg City Council will be held on Monday, February 1, 2021.

1. NOTE: Correction to the December 7, 2020 minutes – in ordinance No. 239-12-2020 (3) ... it was published as “All buildings and fences housing the hens must allow all building permit codes.” It should read “All buildings and fences housing the hens must follow all building permit codes”.

2. NOTE: Correction to the December 23, 2020 minutes – it was published as “Mayor Jimmy Mitchell in the chair called the meeting to order at p.m. with Council Members Doreen Cook, Dean Speicher, Randy Leach, Sheriton Dettmer, Kyle Wendland present.” It should read “Mayor Jimmy Mitchell in the chair called the meeting to order at 4:30 p.m. with Council Members Doreen Cook, Dean Speicher, Randy Leach, Sheriton Dettmer, Kyle Wendland present.”

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Jimmy Mitchell, Mayor

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Cindy Lantow, City Administrator

Resolution No. 1315-01-2021 - Resolution to Appoint a Representative and Alternate Representative to the Chickasaw County Emergency Management Commission.

Whereas, the county boards of supervisors, and city councils in each county shall cooperate with the homeland security and emergency management division of the department of public defense to establish a local emergency management commission to carry out the provisions Iowa Code Chapter 29C; and

Whereas, the commission shall be composed of a member of the board of supervisors or its appointed representative, the sheriff or the sheriff’s representative, and the mayor or the mayor’s representative from each city within the county; and

Whereas, the commission members shall be the operations liaison officers between their jurisdiction and the commission; and

Whereas, the commission shall meet regularly to determine the mission of its agency and program and provide direction for the delivery of the emergency management services of planning, administration, coordination, training, and support for local governments and their departments; and

Whereas, the commission shall coordinate emergency services in the event of a disaster;

Now, Therefore,

Be It Resolved that Jimmy Mitchell, Mayor be appointed as Emergency Management Commission Representative; and

Be It Further Resolved that Sheriton Dettmer, Council Member, be appointed as the Alternate Representative; and

Be It Further Resolved that the Representative or Alternate Representative attend the Commission meetings on behalf of City of Fredericksburg.

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Chief Elected Official, Jimmy Mitchell, Mayor

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Attest: Cindy Lantow, City Administrator

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

ORDINANCE NO 239-12-2020

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF FREDERICKSBURG, IOWA,  
BY ADDING SECTION 55.05 – (a) – CHICKENS / DUCKS

BE IT ENACTED by the City Council of the City of Fredericksburg, Iowa:

SECTION 55.05 (a). SECTION ADDED. CHICKENS / DUCKS – Poultry (Urban Chicken or Ducks) may be kept with in the corporate limits of Fredericksburg as long as the following conditions are met:

- 1) Chicken & Ducks must be in a fenced area. (Fences must follow the building permit requirements)
- 2) Limit to a max of 12 hens – Only hens are allowed and no more than 12 hens shall be allowed.
- 3) No Roosters will be allowed – Excluding all roosters and capons
- 4) All hens must be kept within an enclosure or coop located in the rear yard of the residence. No person shall keep hens inside a single-family dwelling unit, multi-family unity, or rental dwelling unit.
- 5) Chicken coops (buildings that house chicken & ducks) - All buildings and fences housing the hens must follow all building permit codes.
- 6) All Sanitation guidelines must be followed.

7) Hens shall not be kept or raised on any residential premises for any business or commercial purposes, including, but not limited to, mass egg production, chicken breeding or fertilizer production.

SECTION 2. REPEALER. All ordinances or parts or parts of ordinances in conflict with the provision of this ordinance are hereby repealed.

SECTION 3. SEVERABILITY CLAUSE. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 4. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

Passed by the Council the 4th day of January, and approved this 4th day of January, 2021.

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Jimmy Mitchell, Mayor

ATTEST:

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Cindy Lantow, City Administrator

I certify that the foregoing was published as Ordinance No. 239-12-2020 on the 14th day of January, 2021.

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Cindy Lantow, City Administrator

LIST OF BILLS



CLAIMS REPORT VENDOR	REFERENCE	AMOUNT
20/20 FX	LABOR / SUPPLIES	50.00
ALL STOP	GAS	278.55
AMAZON.COM	LIBRARY SUPPLIES	290.31
BLACK HILLS ENERGY	GAS SERVICE	490.15
BLACK HILLS ENERGY	GAS SERVICE	536.52
BLC INC	INCENTIVES	91,914.59
BODENSTEINER IMPLEMENT	EQUIPMENT MAINTENANCE	504.78
CEDAR VALLEY BLDG SUPPLY	GARAGE DOOR OPENER	861.40
CENGAGE LEARNING	LIBRARY SUPPLIES / BOOKS	539.68
CENTER POINT LARGE PRINT	LIBRARY BOOKS	642.90
CHICKASAW CO FIREFIGHTERS ASN	MEMBERSHIP DUES	100.00
CINDY LANTOW	CELL PHONE / POSTAGE	46.40
CITY OF FREDERICKSBURG	ELECTRIC SERVICE	8,772.85
CULVER HAHN	SUPPLIES	245.52
DARREN STEINLAGE	LABOR / MATERIALS	725.00
DEARBORN NATIONAL LIFE	LIFE INSURANCE	50.25
DEMCO	SUPPLIES	357.93
EFTPS	FED/FICA TAX	2,133.27
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ENVIRONMENTAL RESOURCE ASSOCT.	LAB TESTING	194.30
F'BURG PLUMBING & HEATING	LABOR / MATERIALS	180.00
FARMERS WIN COOP	GAS/DIESEL/SUPPLIES	900.16
FEHR GRAHAM ENG & ENVIRONMENTL	PROFESSIONAL SERVICES	560.25
FLOYD MITCHELL LANDFILL	LANDFILL CHARGES	1,212.37
GPM	SERVICE MATERIALS	556.00

HACH	LAB SUPPLIES	569.50
HAWKINS INC	CHEMICALS	657.25
HSA - CINDY LANTOW	HSA PRE-TAX	50.00
HSA - KIM HOFFMAN	HSA PRE-TAX	50.00
HSA - RAY ARMBRECHT	HSA PRE-TAX	50.00
HSA- ROBERT SCHULZ	HSA PRE-TAX	100.00
IOWA DNR-HUNT FISH	HUNTING / FISHING	92.00
IOWA FIREFIGHTS ASSOCIATION	MEMBERSHIP DUES	312.00
IPERS	IPERS - REGULAR	3,510.30
IPERS	IPERS - REGULAR	3,510.30
JACKIE KUSH	BOOKS - REIMBURSE	60.39
JENDRO SANITATION SERVICES	RECYCLING CHARGES	1,383.60
JOHN DEERE FINANCIAL	SUPPLIES	17.40
LAKESHORE	SHELVES	652.63
LS SUPPLY	BUILDING REPAIRS	3,966.76
MID AMERICAN RESEARCH CHEMICAL	CHEMICALS	314.73
MEDIA COM	PHONE SERVICE	278.18
MUNICIPAL SUPPLY INC	SUPPLIES	864.02
NEBRASKA-IOWA IND FASTENERS	BOLTS & WASHERS	89.47
NORTHEAST SECURITY BANK	ACH FEES	20.00
RAPID PRINTERS/OFFICE WLD	OFFICE CHAIR	624.00
RICOH-WELLS FARGO	COPIER MAINTENANCE	571.15
SCHOLASTIC INC	SUBSCRIPTION	34.22
SPEICHER EXCAVATING	LABOR	22,094.02

SPEICHER EXCAVATING	LABOR	470.00
STANTON ELECTRIC	LABOR / MATERIALS	658.98
STATE REVOLVING FUND(SRF)	INTEREST	1,601.25
TEAM LAB	CHEMICALS	1,225.00
TESTAMERICA LABORATORIES INC	TESTING	21.00
THE IOWAN	SUBSCRIPTION	24.00
TREASURER STATE OF IOWA	STATE TAXES	822.00
TREASURER STATE OF IOWA	SALES TAX	3,001.00
TREMAINE & BECKER LAW	LEGAL FEES	259.50
UNGGOY BROADBAND	PHONE SERVICE	19.95
UNITED HEALTH CARE	HEALTH PRE-TAX	3,911.69
UNITED HEALTH CARE	HEALTH INSURANCE	1,000.32
US CELLULAR	CELL PHONE SERVICE	300.83
VANGUARD PUBLISHING	PUBLICATIONS	197.80
VISA	NEW PHONE	544.61
WESTY'S HARDWARE HANK	SUPPLIES	713.06
WESTY'S HARDWARE HANK	SUPPLIES	727.27
ZIPS DIRECT	LABOR / MATERIALS	1,261.14
Accounts Payable Total		165,264.20
Payroll Checks		8,947.89
***** REPORT TOTAL *****		174,212.09
GENERAL		23,710.87
WATER		5,874.30
WATER SINKING		1,601.25

WATER CAPITAL PROJ	11,047.01
SEWER	14,628.77
SEWER CAP PROJ	11,047.01
ELECTRIC	100,483.55
LANDFILL/GARBAGE	5,819.33
TOTAL FUNDS	174,212.09