

COUNCIL PROCEEDINGS

February 1, 2021

On Monday, February 1, 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.

Employees present were Cindy Lantow.

Guests Present: Jerry & Pattie Davis; Sheriff Marty Hemann; Deputy Cole Tweten, Jackie Kush, Amanda Moenk from F'Burg Review, Gail Holmes, and Sandy Koch,

The Pledge of Allegiance was said by all in attendance.

A motion was made by Leach second by Dettmer to approve the consent agenda as presented: Minutes of the January 4 and January 19, 2021 Council Meetings; Financial Reports for December 2020; Summary List of Bills; Overtime/Comp Hours for January 2021 and Liquor License for Here'z 2 U. All members present voting aye, motion carried.

Under the Mayor's Comments – Jimmy stated that there was quite a bit on the agenda but should go smoothly.

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

Law Report – Sheriff Marty Hemann presented the January 2021 Law Report. There were 122.5 hours worked during the month of January 2021 with 640.5 total hours being worked in Fredericksburg from July 2020 to January 2021. The average number of hours worked per month is 91.5. Sheriff Hemann also introduced to the Council the newest deputy, Cole Tweten and that he has started in January. The Sheriff went over the report with the Council with some discussion. No action was taken at this time.

Old Business –

The Mayor stated that there is good news on the substation and stated that he would like to see the Council go into closed session to discuss a land price. Closed Session is allowed per 21.5 (J) - To discuss the purchase or sale of particular real estate only where premature disclosure could be reasonably expected to increase the price the governmental body would have to pay for that property or reduce the price the governmental body would receive for that property. The minutes and the audio recording of a session closed under this paragraph shall be available for public examination when the transaction discussed is completed. A motion by Dettmer second by Speicher to go out of regular session. Ayes: Cook, Dettmer, Wendland, Speicher, Leach. Nays: None. Motion carried. A motion was made by Dettmer second by Leach to go into closed session. Ayes: Cook, Dettmer, Wendland, Speicher, Leach. Nays: None.

No action was taken in the closed session at 7:25 p.m. A motion was made by Dettmer second by Cook to go out of closed session. Ayes: Cook, Dettmer, Wendland, Speicher, Leach. Nays: None. Motion carried.

A motion was made by Dettmer second by Cook to go back into regular session at 7:35 p.m. Ayes: Cook, Dettmer, Wendland, Speicher, Leach. Nays: None. Motion carried.

A motion was made by Speicher second by Wendland to have the proposed site for the substation surveyed and to get a legal description of the land the City will be purchasing. All members present voting aye, motion carried.

A motion was made by Dettmer second by Speicher to give the Mayor permission to offer a price on the land as long as it is in the range discussed in closed session and to proceed with a purchase agreement. All members present voting aye, motion carried.

Library Report – The library report was in the packet. No action taken.

Library Board – budget – Jackie Kush, Library Director, Gail Holmes & Sandy Koch, Board Members, were present to present the library's budget request for the fiscal year 21/22. Jackie stated that she has been director since October and they have been re-organizing, trying to increase large print & audio books, DVD's, added some shelving and some things in the kid's / craft areas. The library board is asking for a 2% increase in their budget and some of that is due to the cost of the large print and audio books and there are a few maintenance issues that will need to be taken care of. The Mayor stated that he has heard a lot of good things about the library around town. Cook also stated that she had heard good things and she was happy to see the book budget increased and to keep up doing the good work.

Dog Issues with Possible Action – Sheriff Hemann stated that the dog issues are serious. Luckily there have no cases where people have been attacked but still very serious when pets and livestock are attacked. 1 dog owner has been sited 4 times and another dog owner has been sited 2 times for dogs running at-large. The Sheriff also stated that if the City Council deemed the animal dangerous that the owners have a right to a hearing. Discussion was held on Chapter 55.17-c in the City Code as to how fines could be issued in the future. The Deputies have issued tickets to both homeowners for dog at large. After much discussion, a motion was made by Cook second by Dettmer to have Cindy send letters to the dog owners stating that their dogs may be deemed dangerous and that they may need to leave town and to inform the owners that they have a right to a hearing. If the dog owners would like to have a hearing it will be on Monday, February 15, 2021 at 6 p.m. All members present voting aye, motion carried.

Moving City's Liquor License to Fire Station – The Mayor stated that the Fire Dept. would be hosting a Pool Tournament on February 27th as a fundraiser for the fire dept and asked that the City's liquor license be moved to the fire station for that day. He did state that the fire dept. members need to ok this yet. A motion was made by Leach second by Cook to move the liquor license to the fire dept for February 27th for the fundraiser. All members present voting aye, motion carried.

Ordinance No. 240-01-2021 – Animal Protection & Control – Motion by Dettmer second by Wendland that the rules governing the adoption of the Ordinance be suspended in order that this Ordinance No. 240-01-2021 be placed upon its passage. Ayes: Cook, Speicher, Leach, Dettmer, Wendland. Nays: None. Motion carried. Motion by Dettmer second by Wendland that Ordinance No. 240-01-2021 be declared as having its second and third readings and that the same be prepared for adoption. Ayes: Cook, Speicher, Leach, Dettmer, Wendland. Nays: None. Motion carried. Moved by Cook second by Speicher

that Ordinance No. 240-01-2021, An Ordinance Amending the Code of Ordinances of the City of Fredericksburg, Iowa, Chapter 55 – Animal Protection and Control, be adopted. Ayes: Wendland, Leach, Dettmer, Speicher, Cook. Nays: None. Whereupon the Mayor declared Ordinance No. 240-01-2021 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. (A copy of this ordinance can be found at the end of these minutes).

Ordinance No. 241-01-2021 – Curbside Recycling Fee - Motion by Dettmer second by Cook that the rules governing the adoption of the Ordinance be suspended in order that this Ordinance No. 241-01-2021 be placed upon its passage. Ayes: Wendland, Leach, Speicher, Dettmer, Cook. Nays: None. Motion carried. Motion by Dettmer second by Cook that Ordinance No. 241-01-2021 be declared as having its second and third readings and that the same be prepared for adoption. Ayes: Wendland, Leach, Speicher, Dettmer, Cook. Nays: None. Motion carried. Moved by Dettmer second by Leach that 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 adopted. Ayes: Wendland, Leach, Dettmer, Speicher, Cook. Nays: None. Whereupon the Mayor declared Ordinance No. 241-01-2021 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.

Cardboard Pickup Fee – Some discussion was held on this. The Council asked that Cindy get some more information and bring that to the March 1, 2021 Council meeting. No action taken at this time.

Surface Pro – for City Administrator’s Use – Cindy asked the Council’s permission to upgrade the present laptop to a Surface Pro. Jimmy explained the advantages of the Surface Pro compared to a laptop. After discussion, a motion was made by Dettmer second by Leach to upgrade to a Surface Pro. All members present voting aye, motion carried.

Liquor License Renewal – City – Information was presented to the Council on the City getting a yearly liquor license vs per event license. For a yearly license the insurance is approximately \$1800 and the license fee is \$936.00 and for per event the insurance would be \$350 and the license would be \$107.25. Cook stated that she would like to stay with the per event fees and if needed the Council could give Cindy permission to apply a license as needed. Dettmer stated that he felt the City should renew the license on a per year basis. After much discussion, a motion was made by Dettmer second by Leach for the City to renew the Liquor License for a year as done in the past. Ayes: Speicher, Wendland, Leach, Dettmer. Nays: Cook. Motion carried.

Office Position – Job Description – The job description for the office position was presented and discussed and how many hours would be required. After discussion, a motion was made by Cook second by Wendland to set the hours between 10-20 hours per week but not guaranteed 20 hours and that the person would work as needed and to approve the job description as presented. All members present voting aye, motion carried.

Advertising for Office Position – A motion was made by Dettmer second by Wendland to advertise for a part-time office position. All members present voting aye, motion carried.

Set Date for Max Levy Hearing – A motion was made by Wendland second by Leach to set the date, time and place for the Public Hearing on the Proposed Property Tax Levy for Monday February 15, 2021 at 5 p.m. at the Fredericksburg City hall. date for Feb. 15th at 5 p.m. All members present voting aye, motion carried.

Set Date for Public Hearing on Fiscal Year 21/22 Budget – No action taken on this at this meeting.

Ambulance Discussion – It was stated that the lawsuit has been dismissed with prejudice. Cook stated that we should be receiving a new bill for the seed money per the settlement agreement, which could be \$1,902.70 compared to the \$1,905.00 as we had previously been told. A motion was made by Dettmer second by Leach that this bill can be paid once received as long as it does not exceed the \$1,905.00. All members present voting aye, motion carried.

Action Board – Jimmy went over the Action Board with no official action being taken.

Council Comments – Under the Council Comments, Jimmy stated that Bob Schulz had informed him of a water leak along West Avenue. The Council discussed and a consensus was that it should be fixed as soon as possible. Jimmy asked the Water Committee to let Bob know this.

There being no further business that required Council Action, a motion was made by Leach second by Dettmer to adjourn at 8:33 p.m. All members present voting aye, motion carried.

Jimmy Mitchell, Mayor

Cindy Lantow, City Administrator

LIST OF BILLS –
CLAIMS REPORT

| VENDOR | REFERENCE | AMOUNT |
|--------------------------------|--------------------------|------------|
| 20/20 FX | LABOR / SUPPLIES | 50.00 |
| ALL STOP | GAS | 160.27 |
| BIBLIONIX | ANNUAL SUBSCRIPTION | 900.00 |
| BLACK HILLS ENERGY | GAS SERVICE | 314.26 |
| BUTLER COUNTY REC | ELECTRIC SERVICE | 133,119.64 |
| CEDAR VALLEY BLDG SUPPLY | LOAN - DUPLEXES | 34,955.09 |
| CENGAGE LEARNING | LIBRARY SUPPLIES / BOOKS | 107.76 |
| CHICKASAW CO SHERIFF | LAW CONTRACT | 26,913.39 |
| CINDY LANTOW | CELL PHONE REIMBURSE | 40.00 |
| CITY LAUNDERING CO. | SUPPLIES | 140.92 |
| CITY OF FREDERICKSBURG | ELECTRIC SERVICE | 10,269.12 |
| CLERK OF COURT | FILING FEES | 85.00 |
| COMPASS BUSINESS SOLUTIONS | AP CHECKS | 260.00 |
| CULVER HAHN | SUPPLIES | 77.40 |
| DECKER SPORTING GOODS | PARK & REC SUPPLIES | 17.00 |
| EFTPS | FED/FICA TAX | 1,875.68 |
| EFTPS | FED/FICA TAX | 1,867.31 |
| EFTPS | FED/FICA TAX | 2,121.86 |
| EFTPS | FED/FICA TAX | 5,864.85 |
| EMERGENCY APPARATUS MAINT. | PUMP TESTING | 4,350.36 |
| ENVIRONMENTAL RESOURCE ASSOCT. | LAB TESTING | 316.30 |
| F'BURG FAMILY HEALTH CLINIC | FIRE PHYSICALS | 143.31 |

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|--------------------------------|-----------------------|-----------|
| F'BURG FOOD CENTER | SUPPLIES | 57.12 |
| FARMERS WIN COOP | GAS/DIESEL/SUPPLIES | 562.64 |
| FARMERS WIN COOP | GAS/DIESEL/SUPPLIES | 1,824.99 |
| FEHR GRAHAM ENG & ENVIRONMENTL | PROFESSIONAL SERVICES | 999.25 |
| FLOYD MITCHELL LANDFILL | LANDFILL CHARGES | 1,048.37 |
| HACH | LAB SUPPLIES | 105.70 |
| HAWKINS INC | CHEMICALS | 713.10 |
| HSA - CINDY LANTOW | HSA PRE-TAX | 50.00 |
| HSA - RAY ARMBRECHT | HSA PRE-TAX | 50.00 |
| HSA- ROBERT SCHULZ | HSA PRE-TAX | 100.00 |
| IAMU | SEWER LOAN-PRIN / INT | 3,805.58 |
| IMFOA | MEMBERSHIP DUES | 50.00 |
| IMWCA | WORK COMP | 286.00 |
| INDUSTRIAL SCIENTIFIC | EQUIPMENT | 1,104.31 |
| IOWA ONE CALL | ONE CALLS | 16.20 |
| IPERS | IPERS - REGULAR | 3,040.02 |
| IPERS | IPERS - REGULAR | 3,040.02 |
| JACKIE KUSH | SUPPLIES | 181.23 |
| JENDRO SANITATION SERVICES | RECYCLING CHARGES | 1,383.60 |
| JOHN DEERE FINANCIAL | SUPPLIES | 152.98 |
| KAYLA WENDLAND | REIMBURSE SUPPLIES | 14.84 |
| MID AMERICAN RESEARCH CHEMICAL | CHEMICALS | 87.08 |
| MEDIA COM | PHONE SERVICE | 435.14 |
| MERCHANTS BANK EQUIP. FINANCE | LEASE PAYMENT | 16,813.89 |

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|--------------------------------|---------------------|----------|
| MERCY MEDICAL CENTER - NH | FIRE PHYSICALS | 28.00 |
| NORTH CENTRAL LABS | LAB SUPPLIES | 648.54 |
| NORTH CENTRAL LABS | LAB SUPPLIES | 648.54 |
| PLUNKETT'S PEST CONTROL | PEST CONTROL | 124.80 |
| QUALITY PUMP & CONTROL | LABOR/MATERIALS | 947.00 |
| RAPID PRINTERS/OFFICE WLD | OFFICE SUPPLIES | 85.07 |
| RICK'S SERVICE CENTER | LABOR | 807.50 |
| RICOH-WELLS FARGO | COPIER MAINTENANCE | 151.90 |
| RICOH USA, INC | COMPUTER SUPPLIES | 128.00 |
| ROGER PLEGGENKUHLE | REBATES | 120.00 |
| SANDRY FIRE | FIRE SUPPLIES | 2,084.60 |
| SKYFIRE CONSULTING | BLANKET COA RENEWAL | 1,000.00 |
| STANTON ELECTRIC | LABOR / MATERIALS | 1,438.89 |
| STEVE MEYER CONSULTING | GRANT WRITING FEE | 500.00 |
| SUMNER PUBLIC LIBRARY FOUNDAT. | AUDIO BOOKS | 27.00 |
| TESTAMERICA LABORATORIES INC | TESTING | 4,696.65 |
| TREASURER STATE OF IOWA | STATE TAXES | 670.00 |
| UNGGOY BROADBAND | PHONE SERVICE | 19.95 |
| UNITED HEALTH CARE | HEALTH PRE-TAX | 3,336.65 |
| US CELLULAR | CELL PHONE SERVICE | 106.70 |
| VANGUARD PUBLISHING | PUBLICATIONS | 531.88 |
| VISA | SUPPLIES | 389.70 |
| WESTY'S HARDWARE HANK | SUPPLIES | 189.21 |
| ZIPS DIRECT | LABOR / MATERIALS | 500.00 |

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|--------------------------|------------|
| Accounts Payable Total | 269,498.75 |
| Payroll Checks | 23,506.57 |
| ***** REPORT TOTAL ***** | 293,005.32 |
| GENERAL | 66,709.99 |
| ROAD USE TAX | 16,813.89 |
| WATER | 6,410.02 |
| SEWER | 19,565.05 |
| SEWER SINKING | 3,805.58 |
| ELECTRIC | 172,032.65 |
| LANDFILL/GARBAGE | 7,668.14 |
| TOTAL FUNDS | 293,005.32 |

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

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.

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 1st day of February 2021, and approved this 1st day of February 2021.

Jimmy Mitchell, Mayor

ATTEST: _____
City Administrator, Cindy Lantow

I certify that the foregoing was published as Ordinance No. 240-01-2021 on the 11th day of February 2021.

City Administrator, Cindy Lantow

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.

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.

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 1st day of February 2021, and approved this 1st day of February 2021.

Jimmy Mitchell, Mayor

ATTEST: _____
City Administrator, Cindy Lantow

I certify that the foregoing was published as Ordinance No. 241-01-2021 on the 11th day of February 2021.

City Administrator, Cindy Lantow