

CITY OF SIGOURNEY
MINUTES OF CITY COUNCIL REGULAR MEETING OF
WEDNESDAY, OCTOBER 20, 1999

The Sigourney City Council met in regular session in the City Council Chambers of the Memorial Hall on Wednesday, October 20, 1999, at 7:00 o'clock P.M., with Mayor Pro tem Douglas L. Glandon presiding, and the following Council members answering roll call: Douglas L. Glandon, Bob L. Mendenhall, Jeffrey A. Winn, Ed Conrad, Rich Wilkening, and Lyle G. Van Fleet. Others present, in addition to the City Clerk, were Sharlene Bos, Kenneth D. Bucklin, John N. Wehr, Tony Bos, Angie Alderson, Jim Eversmeyer, Edward Woods, Mark Bruns, Allan Glandon, Don Northup, Shirley Woods, John Mohr, Julia Mohr, Judy S. Bruns, Lyle Donald, Tracy Donald, Willis Jaacks, Peg Eversmeyer, MaryAnn Jaacks, John I. Ballensky, and Stanley Finch and David Finch arrived later.

Council member Conrad moved, seconded by Council member Winn, that the agenda be approved as posted. Upon the roll being called, the following voted: Ayes: Glandon, Mendenhall, Winn, Conrad, Wilkening, and Van Fleet. Nays: None. The motion was approved.

Council member Van Fleet moved, seconded by Council member Conrad, that the minutes of the regular Council meeting of October 6, 1999 be approved as submitted. Upon the roll being called, the following voted: Ayes: Glandon, Mendenhall, Winn, Conrad, Wilkening, and Van Fleet. Nays: None. The motion was approved.

Under Item 3 on the agenda, Concerned Neighbors re Vicious Animals, Mayor Pro tem Glandon stated that each of the Council members have a copy of faxes from the USDA in regard to licensing, and also copies purportedly submitted by the Finches and Wild Iowa Zoo some years ago to the Keokuk County Sheriff giving instructions in the event of an animal escape. Jim Eversmeyer was the first concerned neighbor to speak. He said they were here a couple of years ago and nothing happened but the problem has continued to grow. His concerns have grown recently when a bear was out and damaged some property in the neighborhood and left deposits in residential yards. He was very much concerned when he left his house to go to work and saw a bear in his yard not far from his vehicle. He then went back into his house until the bear left the yard. His wife goes to work early each morning and he doesn't want her confronted as he was with the bear or any other vicious animal. He said he is here to tell you that he will shoot the next time something of that nature is in his yard. He has checked with the State and it is 100% legal. He said he is not a good shot, but if this continues he will take it into his own hands. He wondered what the Police Department was directed to do. He said he would shoot and then call. There has got to be someone in town concerned for our security. Mayor Pro tem Glandon said it is his understanding that there is a pair of bears, a kangaroo and a cat. Ed Woods said there is also some kind of a fox. Jim Eversmeyer brought up about the loss in valuation of their properties. They received a letter by fax from a former neighbor whose house didn't bring the money it should have because of the animals. If that is true he would like to bring in an appraiser and get valuations lowered, which would affect the tax receipts of the City, County, and School. David Finch stated that the bears were loose because they were in the original pen they were put in when they only weighed five pounds and it certainly was not secure enough for them now; that they were just one day away from moving them where they are now in a 2700 sq. ft. area, 8' high, with a 220 volt electric fence on the inside.

Mayor Pro tem Glandon said they don't have the USDA license. David Finch replied that is true because of paperwork, so they can't buy or sell, but they have an Endangered Permit from the Department of the Interior and a State Education Permit. He said he wasn't able to get current on the USDA license because the veterinarian records weren't here, and they also wanted more shade for the animals. Mayor Pro tem Glandon asked him about sanitation. David Finch said they also wanted feathers cleaned out. Judy Bruns asked him about the story she had heard about someone having been bitten, and why? He said it was a 17 year old boy trespassing who got into a cage under construction and stuck his arm in with a 500 lb. cat. He had told him not to do that. Four young

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people were involved and they were related to his brother-in-law. Rich Wilkening said he went down to the city compost site to get bricks, which were supposed to have been disposed of a year ago, so inspected the area from the road. A pair of lions were under a little tree, and he asked if the containment was hog panels? Ed Woods asked what kind of liability insurance he has. David Finch replied one million per incident, in a Zoo Policy. Judy Bruns said one day late, she has heard before and that is how accidents happen. If the boy who was injured was trespassing, kids trespass all the time in the neighborhood and that might set two lions off, and she is uncomfortable. Ed Woods said to shoot such animals you would need high powered guns and then you don't know where the bullet is going; you need a marksman. His concern would be that he would hit something or someone not intended or damage someone's house. He doesn't feel we should have the problem staring us in the face, and it should not be started for the residents to shoot. Council member Mendenhall said this is a nuisance situation. John Wehr said the Mayor or Council can declare it a nuisance, and tell them how to abate the nuisance and in what time frame, and give them an opportunity for a hearing. Don Northup said he would hate to try to kill a 500 lb. animal with a 12 gauge slug. Mrs. Bruns asked if they are planning to add other animals and don't the neighbors have a choice? Stanley Finch replied that it would cost \$65,000 to buy a rhinoceros, so he doesn't think they will be investing in that any time soon.

City Attorney John Wehr read the Ordinance designation of a Nuisance "Whatever is injurious to health, indecent, or offensive to the senses, or an obstruction to the free use of property, so as to essentially interfere with the comfortable enjoyment of life or property, is a nuisance." Almost simultaneously the concerned citizens replied "fits all of these problems." Mayor Pro tem Glandon said he tends to agree. It was mentioned the current City Zoning Ordinance does not permit animals close to residential areas. Council member Van Fleet said he would shoot a bull from the Sale Barn in his yard, or a vicious dog. Council member Mendenhall said we need to be proactive. Council member Wilkening asked if we declare it a nuisance, how long does it take to abate the nuisance? The City Attorney replied the party to whom the nuisance abatement is directed must be told how to abate the nuisance and given a time table, and then has an opportunity for a hearing before the City Council. If it is still considered a nuisance and the party does not abate the same within the specified time then the same may be abated at the expense of the City and charged back to the property taxes. Peg Eversmeyer stated that Mayor Gosnell had told them several years ago that the City would declare it a nuisance and also adopt a Vicious Animal Ordinance, but apparently nothing was done. Peg Eversmeyer also asked the Finches how many stitches the boy had and if their insurance covered his injuries. David Finch replied 55 stitches in his hand and that their liability insurance would not cover it since he was told to keep his arm out and stay away. Don Northup asked what the animals eat. David Finch said the bears eat dog food and the other animals eat road kill deer and chickens. Ed Woods asked about the construction of the outside fence and could kids climb it? Stanley Finch said they have a specially constructed fence for such purposes, although it doesn't look that strong, and regular posts. John Wehr asked what precautions are taken to keep vandals from opening the gates? David Finch replied it is double gated.

Ed Woods said he has another concern about which Doug Glandon touched on, the sanitation of the grounds. There are times that he thinks he can smell unusual odors in the neighborhood. As he understands it, there is a dirt bottom to the cages. Stanley Finch said there is gravel and lime for the base of the cages and he cleans them every other week. Judy Bruns said her three year old grandson is not allowed to play outside, but there are kids from all over down at that end of Elm Street playing, and she worries what would happen if a kid would get into where the animals are kept. She wanted to request the City to post a City Police Officer on Halloween at that location to protect the kids. Her residence is within a half block of the Finches and she can't use her property as she would like because of the fear of the animals, and one day she saw a kangaroo hopping across the street. Stanley Finch said the kangaroo was out because they had him out. Tracy Donald asked why in most towns pit bull dogs aren't allowed, but in Sigourney a

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500 lb. bear is allowed to run loose? MaryAnn Jaacks said she didn't appreciate the big pile in her yard, especially when her two year old granddaughter was playing there. Shirley Woods asked the Finches why they would want vicious animals? David Finch replied for the educational opportunities. Ed Woods reiterated an experience he had as a child with a pet squirrel, which ate and slept with him for a long time. Then one day it turned on him and bit him and was mean thereafter. Shirley Woods asked why they would want deadly animals in a residential area? Mayor Pro tem Glandon stated the Finches never got approval from the City under the old or present Ordinance and have never come to the City Council for permission to have vicious animals, or any specified animals within the City limits, in conflict with the old Ordinance, or to see if any local licenses were required. Ed Woods said the concerned neighbors can argue all night to bring to the Council's attention the problems they feel with these animals, when they would like to have some kind of action taken. Council member Mendenhall asked if there is anyone at the Council table who doesn't think it is a nuisance? He said he thinks it is a nuisance and it should be abated by getting the animals out of town, and he asked if anyone disagrees? Council member Conrad said his son was there and came back fine, without the fences being properly secured.

Without taking sides, Tony Bos said he and Allan Glandon inspected the animals and areas today, and they are as Dave describes. He would like the Council to go and inspect the animals and area and see what he has. Mayor Pro tem Glandon said no one can come before us and tell us it is 100% fool proof. Someone mentioned that without a regulating Ordinance anybody could buy an old animal from a zoo and put it in their backyard. Judy Bruns said it would be just as great for the Finches out of a residential area. Council member Winn mentioned that our old Ordinance regulates adult activities, but doesn't regulate vicious animals. Lyle Donald said they have a fairly new appraisal. Rich Wilkening asked what it is going to take to make the neighborhood happy? The response was kid proof and cat proof. Council member Van Fleet said he had been there when the bears were smaller and they licked him when they had claws and teeth. Judy Bruns asked how many other animals do they have in their field with one wire fence? One of the Finches replied four llamas, three horses, one donkey, wild deer and wild bobcats. Judy Bruns stated she thinks the City officials would be just as liable as the Finches if there is a serious problem and they are not regulated by the City. She also asked who their insurance is with. David Finch said he couldn't remember the name of the Company; they are located in Florida and only insure zoos. Council member Van Fleet said he thinks they should go and look. Jim Eversmeyer said there must be a better location than a dead end street and they were there before the Zoo, and most all of them were. Council member Conrad said he would prefer to go and see the place before any action is taken tonight. David Finch asked if they could come down on Friday since he will not be at work that day, whereas he took off work tonight to attend this meeting. Don Northup asked if there weren't farmers who would be glad to have them on their property instead of in a residential area. Stanley Finch said they don't charge admission, and they cover the cost of taking care of them.

Mayor Pro tem Glandon said the City Council by Resolution can declare a nuisance. Again, City Attorney John Wehr read the definition of a nuisance, and Council member Mendenhall replied, and that is what we have been listening to these people for the last hour.

Judy Bruns asked why were the neighbors not asked before it went in: they had to sign their approval of a one station beauty salon, but they weren't contacted about vicious animals! It had already been explained that the Finches had made no effort to comply with the prior Zoning Ordinance. John Wehr said our new Zoning Ordinance is proactive and moves forward. David Finch said they started in 1996. John Wehr said they may not comply with the Zoning Ordinance in effect this year. Mayor Pro tem Glandon said it sounds more like a nuisance. Judy Bruns said the Cedar Rapids Beaver Park Zoo was forced to move out because of lack of money. Stanley Finch asked what if one of Judy's horses gets out? She said she only has one horse and it is not vicious. Stanley Finch said he paid a fine for parking his semi on the street, and everyone else parks on the street

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now, and mentioned particularly the one by the Elementary School. Don Northup assured him that semi is no longer parking there. Willis Jaacks asked if it is right that his grandchildren can't play in his yard? Someone else asked David Finch how much base there is in the cages. He replied 6" of lime, which keeps the odor down, and 6" of gravel. It was decided without voting action to have a special meeting Friday, October 22, 1999 at 5:00 P.M. to convene here and then travel to inspect the animals and area and return here for discussion and adjournment.

Council member Van Fleet introduced the Resolution and moved its adoption to approve the Application of Kenneth and Dolores Pfannebecker for Tax Exemption on Re-siding their house and garage. The second was by Council member Mendenhall. Upon the roll being called, the following voted: Ayes: Glandon, Mendenhall, Winn, Conrad, Wilkening, and Van Fleet. Nays: None. The Resolution was adopted.

Council member Van Fleet introduced the Resolution and moved its adoption to approve the Application of Calvin Knowler for a Tax Exemption on Siding and Windows. The second was by Council member Wilkening. Upon the roll being called, the following voted: Ayes: Glandon, Mendenhall, Winn, Conrad, Wilkening, and Van Fleet. Nays: None. The Resolution was adopted.

Mayor Pro tem Glandon advised the Council that since the question about Pitsch's possibly new Automotive Repair on Clark Street and the same having been sent back to the Planning & Zoning Commission for the proper procedure to amend the Zoning Ordinance, John C. Wallerich submitted an Application for Tax Abatement on a Collision Repair business at 1311 East Jackson Street. After the Zoning Administrator reviewed the plans he replied that "they meet all requirements required in B-2 general business district. Auto body repair shops are not addressed under principal uses in B1 or B2. Please note Section 11, paragraph 1 (m). I believe a permit should be issued on the basis that this business will not be noxious or offensive to this district." Paragraph (m) reads: "Any other use that is determined by the Board of Adjustment to be of the same general character as the foregoing permitted uses, but not including any use which may become noxious or offensive in a "B-2" District." Acting as the Board of Adjustment, Council member Van Fleet moved, seconded by Council member Mendenhall, that the Application of John C. Wallerich for a Collision Repair at 1311 East Jackson Street be approved. Upon the roll being called, the following voted: Ayes: Mendenhall, Winn, Conrad, Wilkening, and Van Fleet. Nays: Glandon. The motion was approved.

Acting again as the City Council, Council member Wilkening introduced the Resolution, and moved its adoption, to approve the Application of John C. Wallerich for Tax Exemption on a Collision Repair business at 1311 East Jackson Street. The second was by Council member Mendenhall. Upon the roll being called, the following voted: Ayes: Glandon, Mendenhall, Winn, Conrad, Wilkening, and Van Fleet. Nays: None. The motion was approved.

Council member Van Fleet moved, seconded by Council member Mendenhall, that the Application for Renewal of the Pizza Hut Beer Permit be approved. Upon the roll being called, the following voted: Ayes: Glandon, Mendenhall, Winn, Conrad, Wilkening, and Van Fleet. Nays: None. The motion was approved.

Council member Wilkening moved, seconded by Council member Winn, that the Application for Renewal of the Sigourney Golf Club Liquor License be approved. Upon the roll being called, the following voted: Ayes: Glandon, Mendenhall, Winn, Conrad, Wilkening, and Van Fleet. Nays: None. The motion was approved.

City Attorney John Wehr reported that he is working with the Planning and Zoning Commission to amend the Zoning Ordinance.

Under Item 10 on the agenda, Mayor Pro tem Glandon said each Council member has a copy of a letter from City Attorney John Wehr in regard to the proposed Ordinance

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establishing a City Administrator. He also has input on the same from Engineer Bucklin, and visited with Beth Danowsky who referred him to a handbook her Department in the State had developed known as The Employment Handbook: Understanding Personnel Law in Iowa for Cities and Counties. She would like to meet with the Council and discuss the applicability of this position in Sigourney. He recommended a work session be scheduled with Beth Danowsky present and input from all departments. Council member Van Fleet moved, seconded by Council member Mendenhall, that this be put on the agenda for the next regular Council meeting. Upon the roll being called, the following voted: Ayes: Glandon, Mendenhall, Winn, Conrad, Wilkening, and Van Fleet. Nays: None. The motion was approved.

Mayor Pro tem Glandon told the Council that Keith Erwin, the Memorial Hall custodian, had contacted him about the building snow blower being beyond repairs. He had told him to get quotes, which were reviewed at this time, and were as follows:

Strobel's, Inc. - Snapper 20" single stage, manual start _____	\$ 450.00
Sigourney Tractor & Implement Co. - John Deere - 21" _____	
Start - Single Stage design _____	. 495.00
Frank C. Jacobs - Toro 20" - 5.0hp By Rotor _____	529.95

Council member Van Fleet moved, seconded by Council member Conrad, that the Snapper snow blower be purchased from Strobel's, Inc., for the bid price of \$450.00. Upon the roll being called, the following voted: Ayes: Glandon, Mendenhall, Winn, Conrad, Wilkening, and Van Fleet. Nays: None. The motion was approved.

Council member Van Fleet said that David Nieuwsma had contacted him in behalf of the Keokuk County Arts Council. They asked if they could revamp the stage. An upcoming show requires a pipe to carry a smoke machine. Lights were also mentioned, and the Council member said he had told Mr. Nieuwsma to talk with Art Koffron, the Architect on the electrical update.

Under Park & Recreation, Council member Van Fleet reported that he is considering future upgrades and repairs at the Park and will get quotes on work needed on the rest rooms and the older shelter; the tennis court fence is on hold.

Mayor Pro tem Glandon reported that the Manager of what had been Stever's Waste Management had been asked by a City employee to put together a quote on taking care of the businesses' cardboard and recycling for the residents of the City. He wanted to know if any Council member had instructed an employee to ask for this information. No one indicated they had. He said he has told the local Manager to tell her Supervisor not to complete such quotes for the City of Sigourney.

Engineer Bucklin stated that Council member Van Fleet, Roger Bird, Ron Doubek, and he walked the West Spring Street and the Kelley Street Projects on October 13th. He said the new pedestrian ramp at Garfield and Spring needs to be sawed; tracer wire to locate the water main needs to be brought to the surface in several locations, and the meter pits installed in the Park need to be re-seeded in the spring. It was completed within the Contract date. He submitted Pay Estimates on both projects. The amount due on the Kelley Street Project when claims are next prepared is \$332.50, with the retained 5%, \$694.88, being due 30 days later. The amount due on the Spring Street Estimate is \$6,327.80, with the retained 5%, being \$4,398.62, due 30 days later, upon receipt of the Lien Waivers and Contractor's Sales Tax statements. Council member Van Fleet introduced the Resolution to accept both the Spring Street and Kelley Street Water Main Projects and to approve for payment with the next claims the Pay Estimates thereon: the Kelley Street Project \$332.50, with the retained 5%, \$694.88, being due 30 days later or upon receipt of the Lien Waivers and Contractor's Sales Tax statement, and \$6,327.80 on the West Spring Street Project, with the retained 5%, or \$4,398.62, being due 30 days later or upon receipt of the Lien Waivers and Contractor's Sales Tax statement. The second was by Council member Conrad. Upon the roll being called, the following voted:

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Ayes: Glandon, Mendenhall, Winn, Conrad, Wilkening, and Van Fleet. Nays: None
The Resolution was adopted.

Engineer Bucklin said that Council member Van Fleet, City Attorney John Wehr, and County Attorney John Schroeder all attended the Seminar they sponsored in regard to the new Condemnation Law. Apparently, there was some disappointment with the presentation, but the message was that permission and consent is more important than ever. Mr. Bucklin said it is imperative on any future Easements that you get the City Attorney involved from the beginning. He can bring back an Agreement at the next meeting for the estimate on two test wells, and drilling, from the firm of Aqua Drill in Riverside, to detect changes in underground structures. He doesn't have the quotes yet.

Mayor Pro tem Glandon asked City Attorney John Wehr to go ahead and negotiate the land on which to drill the test wells and that we might have to buy a 400' X 400' area, and he should also negotiate with the tenant, Bob Wehr. Council member Van Fleet moved, seconded by Council member Conrad, that the City Attorney negotiate permission to get land for two test wells. Upon the roll being called, the following voted: Ayes: Glandon, Mendenhall, Winn, Conrad, Wilkening, and Van Fleet. Nays: None. The motion was approved.

Don Northup said that Sigourney Ball hasn't put their water in yet, but could their line hook up in one of the pits? He was told yes.

Council member Van Fleet said he had conversation with Ron Doubek and he did do the locates for Bill Tremmel and in the presence of Don Northup, and that Bill didn't start construction until a month later. Don Northup said he had helped jet for the Sanitary Sewer but it was prior to that that Bill had dug up when there were no locates.

Council member Wilkening asked if anybody has comments on Old Delta Road. People have told him about what is going in there and that it is going to be pushed on through. He wondered if any water or sewer extension needed to be in the new budget for such project, since nothing has come before the Council. Mayor Pro tem Glandon replied that if someone needs water for a big project, the City should cooperate. Engineer Bucklin said the owners called him today and currently it looks like a "go" although it hasn't changed hands yet. Bubsy had told him he will know within 30 days if an actual project will take place. Mr. Bucklin added that his firm had worked with Ron to test the hydrants, at the expense of the people building the complex.

Kenneth Bucklin also stated that he had a contact from Casey's that since the water project in that area they have had real low water pressure. Ron checked that it wasn't an obstruction at the meter. Inadequate pressure could be smaller service line or a valve partially shut off. G & R Miller had done that project, so he is asking them to check out their work. If it is a Miller problem it should be repaired at his expense, whereas if it is the City's problem, the City will need to pay him. With plastic pipe it could be a plugged valve. Miller is to let French-Reneker know what they discover.

There was no report from the Wastewater Committee

The September financial reports of the City Clerk and City Treasurer were before the Mayor and Council and filed.

Engineer Bucklin said that Sammons' Insurance Co. has not yet settled with the claimants from the Square Project, but they have contacted Phil Buschmann, and the others: Dollar General, Sigourney Appliance, and Kathy Marts. Hopefully, he will have a better report at the next meeting.

Council member Van Fleet also reported that the water line is in process at the Park for the Lion Head drinking fountain, which is being restored, and there are a couple of dead trees and the stumps to be removed, for \$200.00.

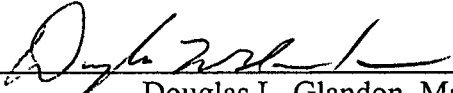
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Council member Mendenhall moved, seconded by Council member Wilkening, that inasmuch as this is the 40th day since the resignation of Blake Gosnell as Mayor, that Douglas L. Glandon be appointed as Mayor until the votes have been canvassed for the newly elected Mayor and Oath taken in November. Upon the roll being called, the following voted: Ayes: Mendenhall, Winn, Conrad, Wilkening, and Van Fleet. Nays: None. Abstained: Glandon. The motion was adopted.

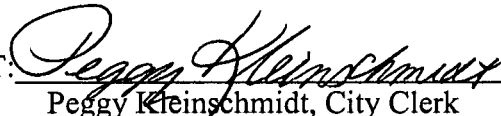
Douglas L. Glandon subscribed to the Oath of Office as Mayor.

Douglas L. Glandon then resigned from his seat as Council member, Third Ward. Council member Van Fleet moved, seconded by Council member Wilkening, that the resignation of Douglas L. Glandon as Council member, Third Ward, be accepted for the period of time that he is serving as Mayor. Upon the roll being called, the following voted: Aye: Mendenhall, Winn, Conrad, Wilkening, and Van Fleet. Nays: None. Abstained: Glandon. The motion was adopted.

Council member Van Fleet moved for adjournment at 9:00 P.M. The second was by Council member Mendenhall.



Douglas L. Glandon, Mayor

ATTEST: 

Peggy Kleinschmidt, City Clerk

SEPTEMBER, 1999

INCOME AND EXPENDITURES

REVENUES:

General.....	\$ 10,063.48
Memorial Hall Rest.....	179.38
CDBG Housing.....	83.33
Library.....	153.85
Road Use.....	14,272.48
Water Utility.....	8,383.91
Water Op/Mtn.....	14,086.38
Water Sinking.....	5,380.56
Water Improv/Repl.....	4,000.00
Sewer Utility.....	5,359.11
Sewer Op/Mtn.....	3,606.67
Sewer Sinking.....	2,737.50
Sewer Improv/Repl.....	833.33
Sewer Project.....	822.01
Water Cust. Deposit....	965.70
Tennis Courts.....	20,441.00
Pole Building.....	19,341.00
	<u>\$110,709.69</u>

EXPENDITURES:

General.....	\$ 56,704.81
Mem Hall Rest.....	3,393.16
D.A.R.E. Program.....	391.15
Library.....	3,113.18
Library Bldg. Fund.....	576.00
Road Use.....	18,383.95
Water Op/Mtn.....	14,086.38
Sewer Op/Mtn.....	3,606.67
Water Cust. Dep.....	1,768.06
Tennis Courts.....	<u>376.00</u>
	\$ 102,399.36