

CITY OF SIGOURNEY, IOWA
MINUTES OF REGULAR CITY COUNCIL MEETING OF
WEDNESDAY, APRIL 21, 2021

The Sigourney City Council met in regular session in the Council Chambers at City Hall on Wednesday, April 21, 2021 with Mayor Glandon presiding and the following Council members answering roll call: Bender, Conrad, McLaughlin, Schultz, Morlan and Schröder. Others present were: Gail McLaughlin, Holly VanVoltenburg, Andrea House, Amber Jones, Jerry Wohler, Don Northup, Public Works Director I; Brent Gilliland, Public Works Director II; Richard Fortney, Police Officer and Sherrie Casper, Deputy City Clerk.

The meeting was called to order at 6:00 p.m. Council member McLaughlin moved, seconded by Council member Morlan, to approve the tentative agenda. Upon the roll being called, the following voted Ayes: Bender, Conrad, McLaughlin, Schultz, Morlan and Schröder. Nays: None. Motion approved.

Council member Morlan moved, seconded by Council member Conrad, to approve the following items on the consent agenda: Minutes of the regular Council Meeting of April 7, 2021; Council accounts payable claims in the amount of \$53,668.09; Tax Exemption Application for Kim Reed (Market on the Square) at 114 East Washington Street, Sigourney, Iowa (Resolution No. 2021-04-03); Community Betterment Projects; credit card report and the time and place for the May 5, 2021 regular Council meeting will be 6:00 p.m. at City Hall. Upon the roll being called, the following voted Ayes: Bender, Conrad, McLaughlin, Schultz, Morlan and Schröder. Nays: None. Motion approved.

Public Hearing: Council member McLaughlin moved, seconded by Council member Morlan to open the Public Hearing regarding the Downtown Revitalization (Façade) improvements. Upon the roll being called, the following voted Ayes: Bender, Conrad, McLaughlin, Schultz, Morlan and Schröder. Nays: None. Motion approved. Hearing was open at 6:01 p.m.

The proposed plans, specifications, form of contract and estimated cost for the project are on file and can be looked at by anyone that requests them. The public hearing notice was published in the News-Review. Mayor Glandon asked Deputy Clerk Casper if there had been any objection submitted to the City Clerk's office. She said the City Clerk's office had not received any. There was no public input from the citizens in attendance.

Council member Morlan moved, seconded by Council member Bender to close the Public Hearing. Upon the roll being called, the following voted Ayes: Bender, Conrad, McLaughlin, Schultz, Morlan and Schröder. Nays: None. Motion approved. Hearing was closed at 6:02 p.m.

Council member Schröder moved, seconded by Council member Bender to approve Resolution 2021-04-04 pertaining to plans, specifications, form of contract and estimated cost for the proposed Sigourney Façade Improvements Project – CDBG #20-DTR-005. Upon the roll being called, the following voted Ayes: Bender, Conrad, McLaughlin, Schultz, Morlan and Schröder. Nays: None. Motion approved.

Additional City Business: Mayor Glandon asked if there was anyone representing the Cale Jarmes Fun Day activities. There were none, so no discussion was held.

The meeting was turned over to City Attorney, John Wehr for the hearing on the disposition of a dog owned by Anthony and Amber Jones, 1016 South Main Street, as a result of a dog encounter. The City Code defines two options here: one is to deem it a dangerous animal, which is not naturally tame or gentle. Killing or inflicting serious injury or causing disease. The following are by law dangerous: lions, tigers etc. or any animal declared dangerous by the City Council. The other option is a vicious animal. A resident shall not keep or harbor a vicious animal in the City and is deemed as so if has attacked or bitten any person without provocation or when the propensity to attack or bite a person shall exist. And it is known to be to the owner thereof. The question this hearing is about is if this is a vicious or dangerous animal and the City Council gets to decide at this hearing. The procedures for a hearing are set out in Title I, Chapter Four of the City Code. There is no formal procedure for this hearing, you can have hearsay. Basically, we take in the evidence and the Council makes the decision. So, anyone who is an interested party can present their side of the story. First off you have to establish that the Jones are the owners of the dog. Mrs. Jones confirmed that it is her dog. Council member Schröder asked if there is one dog and one dog bite or two dogs and two dog bites? Mrs. Jones answered that there was one dog and one dog bite. The next question is: Did the dog bite without provocation? There is a police report that was filed. Andrea House presented a statement that she had written with a picture of the bite to her leg. She says that there are two dogs. She passed out copies to the Mayor, Council and City Attorney. She read the statement to the Council. A copy of the statement and picture will be kept with the minutes. The picture was taken by Andrea on August 1, 2020 after the dog had bit her. John Wehr asked if she had any other witnesses or statements regarding the attack. Andrea said that Amber had witnessed the dog Harley attack her and she was not aware of any other neighbors that witnessed it. There was no one else with her to make a statement regarding the attack. John

Wehr asked Mrs. Jones if she wanted to make a statement and she said no thank you. He said that the City should make their decision on what had been presented. He asked if the dog was still at the house. Mrs. Jones said yes it was. Council member McLaughlin asked if both dogs were still at the house and Mrs. Jones answered yes. Council member Bender asked who paid for Andrea's doctor bill. She said she did not go to the doctor. It was a Saturday, and she was trying to get back on schedule. John Wehr asked if this bite was reported to the Department of Health? Andrea answered that the police told them, and they called her and told her that the owner could not find a record of a rabies vaccine, but by then it had been a month. So, by that time there was nothing that could be done, if I had rabies, I would have known by then. Council member McLaughlin said she was curious why we are just hearing about this now if it happened last year. Andrea said she reported it right away, but it has taken this long to get the City to do anything. Mayor Glandon explained that he was not told about the incident until either the first or second of November. He immediately went down to the Post Office and talked to the Postmaster. He told her a complaint needed to be filed and then we can handle it. He went back to the office and asked the administrative assistant of the police department about it. She produced two incident reports that had been filed where the Police Officer for Sigourney had tried to contact Andrea House two different times about this. The third report that he saw was filed with the Public Health Nurse at the end of August and that is when the Administrative Assistant got the paperwork and took it over to the Public Health Nurse. Andrea stated that the Policeman called her while she was on duty. She was trying to get done and the higher ups harass you if you get overtime, so she was trying to get done. She tried calling him back and didn't hear back from him for several days. He called her back while she was driving, and she didn't hear her phone. She waited until she got home and called him back. It was a month before he made the report. Mayor Glandon stated that complaint that was filed did not come into the City Clerk's Office until sometime in March. Andrea said her boss told her that she had to refile the report with the police. Council member Schröder asked Amber what the name of the other dog was. She said it was Lilly. He asked her if she knew how many times either dog had bitten someone. She stated that she only knew about Lilly biting a police officer a few years ago. The police officer was inside her house. It was dark outside and when she made a call for a police officer to come to the house, she asked that they come to the side door and Lilly was outside and the light wasn't on and they came to the front door and Lilly got him in the groin area. She said Public Health got in touch with her and Lilly had to go to spend time in dog jail. Council member Schröder said going back to Lilly, did she know how many times Lilly had attacked someone or been aggressive towards anyone. Amber said no that they have company over all the time, we have little kids over all the time, that she has not been aggressive to anyone. He asked if she was aware of Lilly's aggression to Andrea. Amber said yes that Lilly hears the truck come by that she knows it. She is only this way with Andrea. Amber said that she thinks that Lilly has learned this from Harley. Harley is the older dog. Council member Schröder asked again that Lilly is only aggressive around Andrea and Harley has only had aggressive acts towards Andrea. Amber said yes. He asked if she had any idea why that is? She said she didn't know. He asked when she became aware that Harley had an aggressive attitude toward Andrea. She said that when she sees the truck go by, she starts to bark. She said it is really odd because she will go up to anybody and they just have a new grandchild, and she has been over a couple times and the dog does nothing. He asked again how long Amber had knew that Harley had this aggressive attitude towards Andrea. Amber stated probably about three years after they got her. She stated that when she had her last child, she was putting Harley out and she got away from her. She couldn't leave the house with an infant there and she was yelling for Harley and about thirty minutes later she came back and was not being herself. She went right into her kennel and wouldn't let her touch her or anything. So, they just assumed that she had seen someone, and the mail lady was around at that time. Council member Schröder said he would like to know if she was aware of Harley's aggressive behavior before Andrea got bit. Amber said yes that one day she was painting the house and Harley was having issues with her hip and Lilly likes to play with her, so she had her outside and she lost track of time and she was leashed by her. She heard her and she thought she was being attacked by another animal, so she went to get her and that's when she heard Andrea yelling at her and walking away. He asked if she had any reason to dispute or disagree with Andrea's version of the events to what happened. Amber answered no. She said that she didn't see the bite. Council member Morlan asked Andrea that in her statement that the dog had bitten three people and is that Lilly? Andrea said yes. Harley will go after any carrier that goes to the house. They all complain about that dog. She said that Amber might not be aware of this, but she is vicious toward everyone. None of the carriers go to the box. Council member Schultz asked Andrea if the policy for the post office is to skip a house if there is a dog problem. She said they are not supposed to go on any dangerous areas. He asked if she had ever seen the dogs loose? She said to their defense that they were always chained up, but they kept breaking their chains. He asked when she got bit was the dog on the chain? She said the dog was chained up. John Wehr asked Andrea if she knew which dog bit the police officer? It was Lilly. She has lunged at her and attacked the neighbor. Council member Schröder said its just not postal employees. Andrea said no it is not. He asked Amber if she recognized that either dog has the propensity to attack other persons. She said no. He said but they do have the propensity to attack or bite Andrea. She said right. He asked her if she was aware of the other victims? She said no she was not, except the police officer. Council member Morlan stated he was concerned that they were getting loose. Amber said they tried tying them up in the back and that is when they get loose. They rip the chain loose, so that is why they are in the front. Andrea says they break their chain in the front, they have always been in the front. She has never seen them in the backyard, they have always been in the front. He asked how they break their chains. Amber said the kids leave the chain in the door and close the door. She assumes the weakness comes from that. Andrea

stated that she has seen duct tape wrapped around the chain, holding the chain. John Wehr asked Andrea if she doesn't even have to go there. She said no but she has to walk by there to get to the other houses on the block and to her truck. They have broken off the chain and Harley has come across the street after her. Council member Schröder states that in Andrea's statement that one of the dogs had bit a neighbor. Amber said that she was not aware of this, that the neighbor, Jesse Wilcox has been over to their house and the dog was fine. He asked Andrea how she became aware of it? She said that they live next door, and she called the police from Wilcox's yard when she got bit and she showed them what had happened. Jesse said that the dog bit him also. It snuck up behind him and bit him. It was Lilly that bit him. Council member Schröder said apparently both dogs had bit someone. Council member Conrad asked John Wehr with the notices that had been given out that states one dog/one bite are we limited to removing Harley which was the dog that bit Andrea. Are they limited to what they can and can't do regarding the other dog? John says the code section say that a vicious animal is described as when it has attacked or bitten any person without provocation or when the propensity to attack or bite someone exists. The notice that went out just listed there would be a hearing about a dog bite. An unprovoked attack filed by complaint to the City. So, the dog in question is Harley. Council member Conrad stated that he wants to do what is correct with what was stated in the notice for the hearing. Council member Schröder said that it is obvious that the dog bit Andrea. John Wehr asked what the City normally does with these cases after it is confirmed the dog bit someone. The Council's duty is to simply say that this dog cannot be in town one way or the other. Council member Conrad explained that a letter is written to the owner stating that the dog must be removed from the City in a certain number of days. If it is not removed in a certain amount of days, then a complaint will be filed, and they would be notified and there would be a hearing in front of a judge. The judge would order the dog out of town and the owner would be charged with paying the court cost and damages and whatever else it is. The City has only done that once. Council member Conrad moved, seconded by Council member Bender that the dog is in violation of Code Section 4-1-9 in that on August 1, 2020 the dog was outside of its house and the mail carrier Andrea House approached the house and while she was performing her duties the dog bit her without being provoked. The owner was present around the corner when it happened. The statement that was presented by the person that got bit was that they were aware of the aggressiveness of the dog and pursuant to Code Section 4-1-9 it would be found to be a vicious animal and that the City send a notice to the owners of the dog and it should be gone from ten days of service of that letter. The dog in question is Harley, a white dog, owned by Jones and the owners acknowledged it. Upon the roll being called, the following voted Ayes: Bender, Conrad, McLaughlin, Schultz, Morlan and Schröder. Nays: None. Motion approved.

Council member McLaughlin left the meeting at 6:45 p.m.

Council member Schröder reported that there was a Public Safety Committee meeting this morning and the Alley closing was discussed. It is his understanding that the Council has been very reluctant to close alleys when they are requested to do so. The current problem seems to be there is a vehicle blocking the alley and one of the parties requesting the alley to be closed does not have sufficient area to park a third vehicle that they own on their property. The other property owner suffers the consequence of that other individuals using the alley going north encounters the vehicle in the alley and transgress on the other owner's property to go around the vehicle to complete the route at the north end of the alley. It has occurred to us there is some self-help to both parties without closing or vacating the alley. It appears to the committee that the party with the third vehicle should find another place for that vehicle, not in the public alley. And it further occurred to us that the party that is suffering the consequences may take some self-help measures such as planting hedges or bushes along their property so no one can drive on their property. Council member Schröder moved, seconded by Council member Schultz to deny the request to close the alley or any portion thereof. Upon the roll being called, the following voted Ayes: Bender, Conrad, Schultz, Morlan and Schröder. Nays: None. Motion approved.

Council member Schultz moved, seconded by Council member Schröder, to approve the third and final reading to the Sigourney Zoning Ordinances – Section 18 – Planning and Zoning Commission. Upon the roll being called, the following voted Ayes: Bender, Conrad, Schultz, Morlan and Schröder. Nays: None. Motion approved.

This is the final papers to be approved for the Catalyst Grant that was awarded to Kim Reed of Market on the Square. Council member Bender moved, seconded by Council member Morlan to approve the developer's agreement between the City and Market on the Square-Kim Reed. Upon the roll being called, the following voted Ayes: Bender, Conrad, Schultz, Morlan and Schröder. Nays: None. Motion approved.

Council member Morlan moved, seconded by Council member Schultz to set the time and date for a public hearing concerning granting the proposed easements for MCG to be held on May 5, 2021, at six o'clock p.m. at the regular City Council meeting to held at City Hall, City of Sigourney. Upon the roll being called, the following voted Ayes: Bender, Conrad, Schultz, Morlan and Schröder. Nays: None. Motion approved.

Council member Conrad explained to the Council that the committee met and had an interview over the phone with one property owner and met with another property owner. The one we are leaning toward is properties owned by Larry and Cindy Deitrich. It is on the East side of the square, 103 and 105 South Jefferson Street. The Grant is to rehabilitate second floors that have been vacant the last number of years. The Grant is for up to \$500,000.00. They are looking at renovating the upstairs of both their buildings. There is potential parking behind the buildings for tenants. Council member Schröder moved, seconded by Council member Morlan, to recommend the application from Larry and Cindy Deitrich for the Upper Story Rental Housing Conversion Program Grant. Upon the roll being called, the following voted Ayes: Bender, Conrad, Schultz, Morlan and Schröder. Nays: None. Motion approved.

Holly VanVoltenburg of the News-Review was inquiring why they stopped getting Police reports submitted to the paper. She wondered if the City would start submitting them again. The Mayor responded that we are working on doing that.

There was no report for Sigourney Area Development Corporation (SADC).

Park and Recreation: The last time the pool handbook was revised was 2019, and there are no changes to be made to the handbook at this time. Council member Morlan moved, seconded by Council member Schröder, to approve the 2021 Pool Policies and Procedures for the 2021 Swimming Season. Upon the roll being called, the following voted Ayes: Bender, Conrad, Schultz, Morlan and Schröder. Nays: None. Motion approved.

Street and Sanitation & Water and Wastewater: Mayor Glandon reviewed the rate increases for water, sewer, and sanitation. The committees are recommending the 3% increase that is pursuant to the City Code and a twenty-five-cent increase to the sewer operating and maintenance charge. These will be on the agenda for the next Council meeting for approval of the first reading to change the Ordinance.

Public Safety: Council member Schröder explained that there are one or more raccoons that have taken up residence at an abandoned house located at 308 South East Street. Two neighbors have filed written complaints about the raccoons. The committee has inquired about humanely trapping the animals and releasing them back into the wild out in the County. They have two possible individuals that would be interested in doing this. The City would have to get permission or authority to put the traps on the property from the owners. Council member Schröder moved, seconded by Council member Morlan to declare an emergency due to an invasion of animals on a property, an attack upon a domestic animal and potential of rabies on the raccoon population at 308 South East Street. A licensed trapper will be employed by the City to set live traps in or on the premises, and to be released a distance from the corporate limits of the City. The initial expense to the City will be assessed to the property. Upon the roll being called, the following voted Ayes: Conrad, Schultz, Morlan and Schröder. Nays: Bender. Motion approved.

City Clerk: Council member Conrad moved, seconded by Council member Schultz to set the time and date for a Public Hearing regarding the City Budget Amendment for Fiscal Year 2021 for May 19, 2021 at 6:00 p.m. at Sigourney City Hall. Upon the roll being called, the following voted Ayes: Bender, Conrad, Schultz, Morlan and Schröder. Nays: None. Motion approved.

Public Input: Yvonne Pitsch inquired about City Hall being reopened.

The meeting was adjourned by acclamation at 7:22 p.m.

Douglas L. Glandon, Mayor

ATTEST: _____
Sherrie Casper, Deputy City Clerk