

CITY OF SIGOURNEY, IOWA

MINUTES OF REGULAR CITY COUNCIL MEETING OF WEDNESDAY, JULY 7, 2021

The Sigourney City Council met in regular session in the Council Chambers at City Hall on Wednesday, July 7, 2021, with Mayor Glandon presiding and the following Council members answering roll call: McLaughlin, Schultz, Morlan, Bender, and Conrad. Others present were: Glenn Nowell; Carol Stutzman; Brittany Stutzman; Don Northup, Public Works Director I; Brent Gilliland, Public Works Director II; Rich Fortney, Police Officer; and Angie Alderson, City Clerk.

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

Council member McLaughlin moved, seconded by Council member Morlan, to approve the following items on the consent agenda: Council accounts payable claims in the amount of \$94,383.49; Library accounts payable claims in the amount of \$8,414.87; City Clerk financial reports for May 2021; Payroll expenses, miscellaneous expenses, ACH and monthly transfers for May 2021; Tax Exemption Application for Doug and Debi Flanders at 703 East Washington Street, Sigourney, Iowa (Resolution No. 2021-07-01); Liquor License application for Sigourney Golf and Country Club at 1103 200th Avenue, Sigourney, Iowa for Class C Liquor License, Outdoor Service and Sunday Sales; Resolution No. 2021-07-02 re: re-appointments to Sigourney Library Board; Brent Gilliland to attend the fall 2021 Conference sponsored by the Iowa Rural Water Association in Dubuque, Iowa on October 5 and 6, 2021 and to use the City's credit card for hotel accommodations and meals; Community Betterment Projects; credit card report; and the time and place for the July 21, 2021, regular Council meeting will be 6:00 p.m. at City Hall. Upon the roll being called, the following voted Ayes: McLaughlin, Schultz, Morlan, Bender, and Conrad. Nays: None. Motion approved.

Council member McLaughlin moved, seconded by Council member Conrad, to approve the remaining item on the consent agenda: Minutes of June 16, 2021, regular Council meeting. Upon the roll being called, the following voted Ayes: McLaughlin, Schultz, Bender, and Conrad. Abstain: Morlan. Nays: None. Motion approved. *(Council member Morlan was unable to attend the June 16, 2021, regular Council meeting.)*

Additional City Business: Mayor Glandon opened the discussion of City Ordinance 3-3-28 Stopping, Standing, or Parking Prohibited in Specified Places regarding Ringgold Street. Mr. Glenn Nowell stated there was an incident at 503 Ringgold where on a Tuesday Officer Fortney came up and asked him to move his vehicles on the north side of his street. Officer Fortney brought with him the ordinances and showed Mr. Nowell what the rules were and helped measure off the distance. Officer Fortney went on his way and Mr. Nowell went on his way. Two days later Mr. Nowell had an incident with Deputy Adam Clark coming up and telling him he could not do what Officer Fortney said. Mr. Nowell is trying to figure out the ordinances. He feels this comes down to a lot of interpretation as to who, what and when. He stated the City Council is adopting these laws from other places and there is no clarity between the city and the streets, so the discussion here today was to maybe have a Public Safety Committee meeting to look at this. Mr. Nowell stated that if he moves his stuff into three locations, the one being on the east side of Warren Street. The other day Mr. Nowell parked over there with his truck and trailer and if there is someone coming from the dead end and another person coming up to the stop sign, they end up head-to-head right at the intersection. By the bylaws Mr. Nowell is interpreting it that he can be parked ten (10) feet from the stop sign and ten (10) feet from an intersection and ten (10) feet from a stop sign and five (5) feet from a fire hydrant and there are some overruling issues with a police officer saying you can move out of the way for something emergency wise. So, the situation he happens to have is with a person that is here complaining about parking which he has worked with her on a funeral she had at her house. They moved all their vehicles out of the way so they could park anywhere they wanted to and then he gets treated like this. It comes down to now we need to interpret the rules and be more clarifying and Mr. Nowell knows it was adopted in 2014 but if there is an attorney looking at these things, they need to look into it better than they are doing, because then we are all going to be here wasting your time all the time. The driveway entry is one topic he would like to talk about. Property line is also part of the issue in his situation. Corner lot issue is the safety issue related to the incident with Deputy Adam Clark. T-intersections versus four (4) way intersections. Single driveway versus double driveway. These are the topics that are going to be talked about. The person that is complaining about this parking, her garage is built four (4) or five (5) feet onto the cemetery private property, whether it is grandfathered in or however they do that Mr. Nowell is not saying that matters, but if the Council looks at the property lines of that person that property line goes right across Mr. Nowell's east wall straight to about midway into her (Mrs. Stutzman) garage. Mr. Nowell stated that if you look at the curb that will line up identically to where someone cut the curb out another extra five (5) feet or six (6) feet. They went from a single driveway to a double driveway and this person particularly has a U-turn right up in the middle of the cemetery road. They have three ways to come in – plenty of room. That is the first problem he has. Mr. Nowell stated that we need to discuss whether the curb entry is officially part of the property line or does it extend past the property line. That would be an important thing to be looked at because that can gain anywhere from eighteen (18) inches to twenty-four (24) inches to make it wider for a driveway entrance. That would be one topic that would have to be clarified because there is no information on property line versus a driveway. Mr. Nowell knows that he is going to be building a shop at

his place and Brent (*Gilliland*) asked him about cutting the curb on Warren Street. Mr. Nowell responded no, and Mr. Gilliland said okay – good. Mr. Nowell does not know if we are going to completely stop cutting curbs or if we are letting other people get away with property line issues and that is up to the Council to decide. The interpretation if you read section . . . says basically there is in front of public or private driveways on number two (2) within an intersection okay this covers into it and number six (6) is within ten (10) feet upon approaching flashing beacons, stop signs particularly in this instance traffic control such and such. The next one Officer Fortney showed him was the opposing entrance of a garage or driveway in such a manner or under conditions to leave available less than twenty (20) feet and this is where he got his tape measure out and measured from the curb on the road diagonally to that twenty (20) foot marker which Mr. Nowell moved both vehicles to make Officer Fortney happy and then two days later Mr. Nowell had Deputy Adam Clark saying no. That falls into basically your 392 Abandoned Vehicles. Part 1-D says any vehicle parked on the street deemed by a Chief of Police or law enforcement officer to create a hazard or other vehicular traffic. Any Officer can change and feel one way versus another way. There should probably be an interpretation that sets the guideline for the entire town so that one officer cannot override or argue against the other officer. That is where we are having a problem because one is interpreting one way and the other is interpreting another way. That is Mr. Nowell's biggest thing. Mr. Nowell will say that he and Adam Clark do not get along and that is a fact, but the hostility is recorded on his body cam if anyone wants to know of him (*Adam Clark*) just trying to be a power person over this issue because he lives right down the street. That could be looked at too because right now the Council (citizens) are apparently paying the County to be part of our police force, so this becomes an issue for the City Council in this situation. Mr. Nowell knows both parties (Sheriff and City Police) do not have any kind of communication for debriefing each week to know what happened with the Police Officer in town versus a Deputy in town. He does not know how they can merge or fix that problem maybe have a debriefing once a week to know what each other is doing so we are represented together is the point he is trying to make. With Mr. Nowell's corner particularly whether it is my driveway or someone else's driveway or an alley it would affect him closer to the intersection there. Mr. Nowell did not know if the Council knew Patrick Flynn, but Mr. Flynn has semis coming in there and he would impede that traffic for him to be able to turn if he parked on Warren Street. Mr. Nowell stated that his wife and he were together the other day and two came around together and one had to back up to let the other one proceed. Before when they parked in the front and the person going to the stop sign could stop and could see very clearly to the through traffic and then there was never any issues in that corner that way. But now since he is pulling over on Warren, he is sure everyone down that street is probably getting pretty ticked off right now because one person's complaint has now turned into this issue. Mr. Nowell asked if he was to ask the Council any questions like the property line issue or is that something there will be some research done on it. Mayor Glandon asked how the property line entered into this. Mr. Nowell stated that the property line would be in further than the actual curb that was cut as someone cut the curb. Mayor Glandon stated the property line is the edge of the easement of the City street. Mr. Nowell stated that in this situation that it should be the Cemetery Road and he believes that is private if he is not mistaken. Mayor Glandon stated he did not think it was and asked Director of Public Works II Gilliland and Gilliland stated he was not sure. Mayor Glandon stated that the city maintains it down to a certain point and then it is private. Mr. Nowell asked if it was right for them to be able to jump that property and make that a U-turn driveway too because that is damaging City property if that is the case. Mr. Nowell stated that this would not be brought up if there had not been a complaint about a little bit of parking when they have a double wide and can make a U-turn all they want – plenty of room and we are here now making this a debatement which is a big deal because if you really look at it Mr. Nowell is sure you can go through this town and there are probably fifty (50) violators right now easily. Mr. Nowell is trying to make it to where . . . It is difficult because the corner in his situation for taxation purposes representation and taxation he is very limited versus some people that can park across the street on their property because there is no parking on their side. It becomes a squeeze play, particularly in that corner. There might be some other incidences in this town too. Mr. Nowell asked if anyone had any questions. Council member Schultz asked if Deputy Adam Clark had asked him to move the vehicle a second time from where he was and where did he park then. Mr. Nowell stated the first incident they had parked right in front of their living room front so then Mr. Fortney asked them to move it and he measured so he moved the one vehicle and the trailer. Mr. Nowell stated that Deputy Adam Clark claimed it was a traffic impediment. Council member Schultz asked where he moved it to, and Mr. Nowell responded that he moved that back onto his lot. The problem is he is going to be building a garage there so he cannot keep shoving everything up there when he needs a skid loader to come in and do dirt work. He is pushing the gauntlet for what he needs for access, but that still should not impede him from being able to park on the street. Mayor Glandon asked about information he had on a report that the trailers do not have a license plate or reflectors. They are not licensed trailers. Mr. Nowell stated that the one trailer was not licensed and that is the one that has been moved up on to the property. It is a homemade trailer and does not require a tag until he is driving it in that sense. The other one he just got, and it is tagged and everything else. Mr. Nowell said the Mayor could drive up there tonight and see that it is licensed, and it is in the back, but the Mayor is welcome to drive up there anytime and see it. Mr. Nowell stated that everything he has is legal and is tagged or in the thirty-day responsibility in buying a vehicle. He has thirty days to put a tag on it and it is all current and there is nothing that can be said about that part. Council member Schultz asked if the vehicle they are referencing is a trailer. Mr. Nowell stated there was a car and trailer right there in the front and he and Officer Fortney separated it so he could make it (in fact pushed by hand) and that is a homemade trailer which is not complete. So, in the sense of no license on it, yes Council member Schultz is right, but it is not completed so Mr. Nowell is not going to tag it until it is complete. Mr. Nowell assumes everyone has the right to build something before

they have to register something other than building as a building is permanent. Mr. Nowell said the Council is welcome to come out and see that everything is legal. He has all the paperwork. Council member Bender asked when the curb was cut down. Mr. Nowell stated that was a good question because that would be on her (*Mrs. Stutzman*) side, so he does not know if she was aware of it before they bought it, but he knows they have been there a long time because his wife's grandmother lived in the house since 1940. Council member Bender stated that they recently passed an ordinance that anyone cutting a curb has to talk to the city guys first. Mr. Nowell stated that she (*Mrs. Stutzman*) might be able to answer that question, but like he said it was past looking at the property lines that curb was cut an additional five (5) to six (6) feet. Carol Stutzman stated the curb was cut in the late 1990s. Her husband had a 2000 Freightliner Classic stretched out, so they needed the extra curbing, so he did not curb it when he backed in. She talked to Jim Dickinson and Jim came back to her a couple weeks later and said that it was fine to do that. She also stated that Mike Renner did the cutting and replacing of it, so it has been there for a long time. Mr. Nowell stated his point is that it was not done on her property which effects the driveway issue for measurement for him on the twenty (20) foot rule, so if the five (5) or six (6) feet come off then he is gaining more distance from the curb point literally and that is where it comes down to – maybe it was done back then but where does it fall under the property line issue. Whether it is done or not does not really matter it is where the Council is going to measure from and where he will be able to park. Council member Morlan asked if the additional five (5) foot would make a big difference for Mr. Nowell. Mr. Nowell stated yes, but it would be harder for Mrs. Stutzman because obviously she is complaining about backing up, but they always pull into the cemetery and back into their garage all the time. He does not even know why there is a complaint other than today she said that he said that they were only going to park out there temporarily when they first moved after they bought his wife's grandmothers house which is not the truth because he never said that. Mr. Nowell would not commit to that because it is such a small lot and a small corner. He does not understand what the big deal is right now. Now we have to try and figure it all out. Mayor Glandon asked Officer Fortney that from the reports he has read that Mr. Nowell just said you measured twenty feet off a diagonal. Officer Fortney said yes. Mayor Glandon asked from where to where. Officer Fortney measured from the edge of the curb, and he has the measurement wheel in the back of the squad car. He measured out twenty (20) feet from the edge of the curb. Mayor Glandon asked if this was straight or at a diagonal. Officer Fortner responded at a diagonal. Mayor Glandon asked why a diagonal. Officer Fortney stated because when you say twenty (20) feet from the curb I just assumed that the twenty (20) foot sweeping kind of radius from . . . so that twenty feet . . . Mayor Glandon stated he was talking about from the complaint he read it said it was parked opposite a driveway entrance. Officer Fortney responded yes that is why he went to the edge of the driveway twenty (20) feet out twenty (20) feet at a diagonal so that he knew that at 45 it was not hitting the corner of the trailer and straight across of the trailer. Mayor Glandon said so what Officer Fortney was telling him is that it was not parked opposite the driveway. Officer Fortney stated not after he had Mr. Nowell move it. Mr. Nowell stated he moved it right while Officer Fortney was there. Officer Fortney stated that he found the furthest point that twenty (20) feet would reach which would have been diagonal and then told Mr. Nowell that as long as he could back it up and get the corner past that but still stay within the ten (10) feet from the corner that if he could make it fit in that kind of cookie cutter shape that he would technically be meeting the ordinance. Any way you sliced it from that end of the driveway twenty (20) feet, it did not touch the trailer. Going ten (10) feet from the corner it was coming right to the end of the trailer, so he was within in the ten (10) feet on that side and within the twenty (20) feet from that would be the west edge of the curb. Mr. Nowell stated that they also measured from the yellow house beside them, because there was more than twenty (20) feet there too. They made clearance on all sides. Mayor Glandon asked if was not opposite the entrance to the cemetery road either. Mr. Nowell stated they had discussion of whether it was state, or city related. Mayor Glandon stated that if the cemetery road is not a public road going north then it is considered a driveway and that is what he is asking and either one would require twenty (20) foot and when he measures the road it is twenty-five (25) foot wide and when he looks at back of the curb to back of the curb, he believes it is a twenty-five (25) foot roadway. Officer Fortney stated that they did not measure from where that one goes, they were looking purely at entries of driveways. Mr. Nowell stated that on that situation most people drive straight in and do a U-turn and come straight out, so they do not have a backup issue. He thinks that they were more in the concerned part of that aspect and how they rule on that is another issue. Mayor Glandon asked if there were any other questions. Mr. Nowell thanked the Council.

Mayor Glandon stated that in August the Public Safety Committee had discussed the closing of this alley, which is west of Alan Sellers' property. City Clerk Alderson stated the owners of the property to the east, Jerry and Sue Morse, would like to build a garage behind their house and to use the alley as their driveway. They stated they have talked with Alan Sellers, and he was okay with this. City Clerk Alderson stated she had explained that the Council does not typically close alleys. Council member Bender asked if half the alley would be enough for a driveway. City Clerk Alderson stated she had asked them this and they were going to discuss this and talk with Alan Sellers to see if he was willing to sell them his half if the Council agreed to close the alley. Council member Bender asked Director of Public Works I Northup if there were any utilities in the alley and Northup stated there were. City Clerk Alderson stated she also told Sue Morse that the city always had an easement to get to any utilities if any were there. Northup stated there were private water lines going to houses including theirs. He was not aware if there were any gas or electric in the alley. Mayor Glandon stated that it is an open alley and could be used to get to their garage. Alderson said she had explained that to them as well and added that they could not block the alley. Council member Conrad moved, seconded by Council member Morlan, to not vacate the south half of the north-south alley in the 200 block between South Stuart Street and South

Stone Street. Upon the roll being called, the following voted Ayes: McLaughlin, Schultz, Morlan, Bender, and Conrad. Nays: None. Motion approved.

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

Park and Recreation: A Park and Recreation Committee meeting was set for Wednesday, July 14th at 6:00 p.m.

Water and Wastewater: Director of Public Works I Northup stated there are just little odds and ends left to finishing up the Water Main Project. Northup has talked with Matt Walker, French-Reneker-Associates, and Walker will e-mail KLC Construction with the punch list. These will have to be gone through before the retainage payment is made to KLC Construction. Council member Bender stated there looks to be a lot to do on the terraces. Northup stated that is one of the items on the list. KLC Construction will have to come back in the fall as he did not seed within the accepted window. The retainage is held until the city is satisfied with everything.

Mayor Glandon asked about the KLC Construction Pay Estimate No. 10 not being signed. City Clerk Alderson suggested approving contingent upon receiving the signed copies with nothing being changed. The Council decided to table this until the next Council meeting as they were not comfortable paying something that they did not know if everyone agreed with.

Director of Public Works I Northup stated that he has been out to the Wastewater Plant Project. There has been a lot of dirt work done. Things are coming together to where you can id things. They (*Boomerang*) have laid a lot of pipe and the foundations are set for the buildings. They are in the process of digging the SAGR holes.

Director of Public Works I Northup reminded the Council that with the Water Main Project we wanted to inspect the water tower while it was down and drained. Central Tank of northern Iowa came in and looked at it. It does need to be painted inside and out, which we knew, as it has been several years since it was last painted. We also need to upgrade the entrance hatch, the catwalk and other things that need to be done by standards set by OSHA and AWWA. The water tower is about 55 years old, and this would be normal. This will be something we will need to get Matt involved with for the bidding process as this will cost \$100,000.00 to \$150,000.00 at least. The tower will be down for a couple of weeks. Northup is looking at tackling this after the wastewater project is done.

Public Safety: Council member McLaughlin stated she was approached over the fourth of July as to why the dogs are still at the property (*1016 South Main Street*). She is asking if anyone knows if the dogs have been removed and if not, why are they still there. Mayor Glandon stated that there was nothing in the letters from the city asking for verification. City Clerk Alderson stated that years ago it was required that someone call and state where the dog(s) were relocated, and contact information and the police would call and make this verification. The Council talked about how to pursue this – ask John Wehr to write a letter requesting this or if the police see them out to go ahead and give them a ticket. The Council discussed the process to follow and decided the City Clerk could write the letter and have it served through personal service, which is standard.

Finance: Mayor Glandon asked if anyone had read the information sent to the Council regarding the American Rescue Plan (ARP). Mayor Glandon stated he has read all of this and one of the items is to help local businesses. In order to help the businesses, the owners must provide financial information from a year before last March of 2020 and financial information on how this has affected them. He has asked a business owner if they would be willing to give the City all their financial information and did not get an answer. Infrastructure must help the impoverished. There is a total of \$280,000.00, but there are a lot of things the city would not be able to take advantage of. There has to be an audit and this money can be used to pay for this audit. These is federal dollars. This money must be used to help global warming. There is more to it than just getting the money. There is money to help with broadband to help get a landline to the impoverished and up to \$50.00 a month can be used to pay for internet. There is \$280,000.00 available for the City of Sigourney, but then there are a lot of things that have to be done and there could be extra costs involved. We have already started our infrastructure projects and water, sewer and broadband are eligible. There is a list of things that the money could be used for, but there are a lot of hoops that would need to be jumped through. Council member Bender moved, seconded by Council member Morlan, to decline requesting funds from the American Rescue Plan. Upon the roll being called, the following voted Ayes: McLaughlin, Schultz, Morlan, Bender, and Conrad. Nays: None. Motion approved.

A Finance Committee meeting was set for Wednesday, July 14th at 7:00 a.m.

Public Input: Council member McLaughlin stated the city received compliments on Legion Park, it looked really nice.

Council member Bender stated he thought we had a real nice fourth of July.

The meeting was adjourned by acclamation at 6:57 p.m.

Douglas L. Glandon, Mayor

ATTEST: _____
Angela K. Alderson, City Clerk