

**CITY OF SIGOURNEY, IOWA**  
**MINUTES OF REGULAR CITY COUNCIL MEETING OF**  
**WEDNESDAY, SEPTEMBER 2, 2020**

The Sigourney City Council met in regular session in the Council Chambers at City Hall on Wednesday, September 2, 2020 with Mayor Glandon presiding and the following Council members answering roll call: Schultz, Morlan, Schröder, Bender, Conrad and McLaughlin. Others present were: Tim Oswald, Piper Sandler Co.; John Wehr, City Attorney; Gary and Christie Iosbaker; Nancy Morlan; Sonja Morlan; Tiffany Ketcham; Richard Fortney; Larry Alderson; Matt Walker, French-Reneker-Associates; Don Northup, Director of Public Works I; and Angie Alderson, City Clerk. *(Larry Alderson was present, but stayed in the City Clerk's Office, which opens into the Council Chambers.)*

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: Schultz, Morlan, Schröder, Bender, Conrad and McLaughlin. Nays: None. Motion approved.

Council member Conrad moved, seconded by Council member McLaughlin, to approve the following items on the consent agenda: Minutes of regular Council meeting of August 19, 2020; Council accounts payable claims in the amount of \$31,802.50; City Clerk financial reports for July 2020; Library accounts payable claims in the amount of \$4,542.70; Tax Exemption Application for Brad and Kari Tinnes at 102 West Clark and 114 West Clark Street, Sigourney, Iowa (Resolution No. 2020-09-01); Tax Exemption Application for Will James at 701 East Jackson Street, Sigourney, Iowa (Resolution No. 2020-09-02); resignation for Jeremy Davis; posting job opportunity for as needed sanitation employee; the credit card report; and to set the time and place for the September 16, 2020. Council meeting for 6:00 p.m. at City Hall. Upon the roll being called, the following voted Ayes: Schultz, Morlan, Schröder, Bender, Conrad and McLaughlin. Nays: None. Motion approved.

**Public Hearing:** Council member Conrad moved, seconded by Council member Morlan, moved to open the public hearing regarding the Proposed Wastewater Improvements – Lagoon Aeration and Submerged Attached Growth Reactor (SAGR) – Sigourney, Iowa – 2020 – CDBG #19-WS-009, SRF #CS192087001, French-Reneker Project No. 17-130. Upon the roll being called, the following voted Ayes: Schultz, Morlan, Schröder, Bender, Conrad and McLaughlin. Nays: None. Motion approved and the public hearing opened at 6:02 p.m.

Matt Walker, French-Reneker Associates, stated this is a public hearing on the City's wastewater treatment plant. The City will be upgrading the whole aeration system for the lagoon, installing a new influent structure; adding four SAGR cells; a new blower building, a new office lab building, a new effluent structure with a building on top of it and a new trunk sewer to eliminate the ten inch force main that is currently out there. The bids are to be placed on September 22<sup>nd</sup> at 2:00 p.m. and the bids will be acted on at the special Council meeting on September 23<sup>rd</sup>. The substantial completion date of November 19, 2021 for all the aeration improvements and the SAGRs, all the buildings, blower equipment and the sanitary sewer piping. Full completion would be the following spring in May of 2022. This allows for some clean up work, seeding some of the miscellaneous gravel that needs to be done on all the lagoon tops. With the bid letting in September, contracts should be finalized in October with potentially the work starting as early as November. It is anticipated that the work should go all winter. The estimated cost is \$4,795,000.00. The City has an SRF (State Revolving Fund) loan and a \$500,000.00 CDBG (Community Development Block Grant) to help finance this. The majority of the project will be on City right-of-way. The only time it will not is through the Expo and there is already an easement acquired on the construction access drive. All material and equipment will be required to use Highway 92 from Highway 149 to eliminate heavy equipment on Washington Street. The DNR (Department of Natural Resources) permit has been acquired. This will be a complex project so there will be lots of scheduling and coordinating with drawing down the lagoons, but they do need to keep the existing aeration system operational until things can be transferred over so the City continues to meet the ammonia limits they currently have. With a project this size there will be change orders regardless of how the bids come in. With a 4.7-million-dollar project there are lots of things underground that are unknown. There are record drawings, but the project will most likely come in a little higher.

Mr. Walker explained the City received a new NPDES permit that changes the limits of the lagoons and the current system will not meet the new NPDES limits the DNR and EPA are mandating. An upgrade was required and in the process the City looked at three or four different technologies and the SAGR ended up being the most cost efficient and the most effective to meet the needs of Sigourney. Mr. Walker stated when you get into the larger treatment plant projects it is harder to estimate the cost because of the availability of prime contractors. The

drawings and specs are listed on French-Reneker-Associate's website for people to download. Currently there are thirty-six different contractors that have pulled the information. These are also sent to plan holder rooms and there have been a lot of questions from people that are not on Mr. Walker's list, so he knows there are a lot of them out there. There are at least eight potential prime bidders. Mr. Walker was asked if the permits and timeline fit together and he answered that it does. If contractors have concerns with the deadlines, an addendum can be done after discussions with the Council. The Council did visit other facilities and tried to learn from other communities. This has been in the development stage for a long time and is relative to some of the increases that the citizens have experienced in the funding that is necessary.

Mayor Glandon asked if there were any further questions or comments. Hearing none he asked City Clerk Alderson if she had received any questions or comments. City Clerk Alderson stated she had not.

Council member Bender moved, seconded by Council member Schultz, to close the public hearing regarding the Proposed Wastewater Improvements – Lagoon Aeration and Submerged Attached Growth Reactor (SAGR) – Sigourney, Iowa – 2020 – CDBG #19-WS-009, SRF #CS192087001, French-Reneker Project No. 17-130. Upon the roll being called, the following voted Ayes: Schultz, Morlan, Schröder, Bender, Conrad and McLaughlin. Nays: None. Motion approved and the public hearing closed at 6:09 p.m.

Council member Schröder moved, seconded by Council member Conrad, to approve Resolution No. 2020-09-03 regarding the proposed drawings, specifications, form of contract, and estimated cost for Proposed Wastewater Improvements – Sigourney, Iowa – 2020. Upon the roll being called, the following voted Ayes: Schultz, Morlan, Schröder, Bender, Conrad and McLaughlin. Nays: None. Motion approved.

**Additional City Business:** Mayor Glandon introduced Tim Oswald, Piper Sandler Co. Mr. Oswald stated he understood the City was applying for a façade grant improvement and hoping to make that into a continuing process to work around the square. As these improvements are being made, the buildings should increase in value which would increase the tax value for the City, schools, etc. These grant programs usually have a local match tied to them. What other communities have done is create a TIF (Tax Increment Financing) area around the project area and captured the TIF taxes and used this to fund their match. Mr. Oswald stressed the words "over time". Usually in a project like this there is a catalyst or jumpstart that gets things going and maybe it will be this grant to jumpstart this program. Mr. Oswald was thinking as the City moves around the square and off a little bit and buildings improve, there will be increased value. This increase in value can be used to reimburse the City for the cash fronted to match the grants or as incentive for the next project/building. Mayor Glandon stressed that this would only be on the increased value of the building not the entire building. Mr. Oswald explained that the buildings are there, and the landowners are currently paying taxes. The TIF income to the City, if there is to be any, will only be because the tax income increased.

The City currently has two TIF areas. Mr. Oswald explained the statute allows the City to do three different types of TIF: economic development, housing, or blight remediation. One of the current TIF areas (Belva Deer – NEUR) is economic development and the other TIF area (Prairie View) is housing and economic development combined. Combining types is no longer allowable. Mr. Oswald is suggesting the Council consider using for the downtown area the blight remediation provisions for the TIF rule. Blight remediation has no sunset to it, so if it takes a longer period of time to recover the cash the City used out of pocket up front it is okay.

Council member Schultz asked if there was anything the City needed to be aware of as this is different than the TIF areas we currently have. Is there anything more restrictive and Mr. Oswald did not think there was anything more restrictive by the code between blight, housing, or economic development. Blight gives more latitude because of the time frame. They all have the same requirements in terms of documenting the meetings, having a project, maintaining, and filing the annual reports and you can only collect income to reimburse yourself for the costs that have actually been incurred. You cannot bank TIF money to use at a later date, which is true for any of the areas. Council member Schultz asked about the area that would be included in a new project. Mr. Oswald stated he could provide some income that could be received from TIF, but it would be purely based on an assumption and calculating income. The City would need to have some idea of how these projects are going to evolve and it is too early in the process. The City has an Urban Renewal Plan and within this plan the City adopts a TIF Ordinance. Most cities tend to adopt the plan and ordinance to have the same maps. That is not required. For example: the entire City is placed in an Urban Renewal Plan and at a later date the Council could consider adopting an ordinance to collect TIF taxes on a parcel by parcel basis. Example: a building is going to redevelop

so we will put a TIF Ordinance on it and do the legal description on a case by case basis. This is becoming extremely popular as each ordinance has a twenty-year life to it or whatever the plan states. Mr. Oswald stated the City can maybe do the square and two blocks or two blocks on one side and one block on another side. This does not have to be decided today. The Urban Renewal could be a larger area and TIF Ordinances could be added as more parcels develop.

Mr. Oswald explained that a plan must be drawn up and Simmering & Cory can do this for the City. Then the Council will read and approve the plan. Next a consultation is scheduled with the community college, school district, county, etc. to express their opinions. Once this is done the City would be in a position to consider approving the plan, rejecting it, or amending it after input has been received from other governing bodies. Council member Conrad asked questions regarding new structures being built in an established TIF area – are they automatically included. Mr. Oswald stated there are two answers to this question. The Council gets to choose what properties they would like to capture TIF taxes from. The Council can do properties on a case by case basis and there are a lot of cities that do this. Mr. Oswald suggested one way to look at this is the City helped put a new building into place, maybe take the TIF taxes and if the City did not help in any way then do not take TIF taxes. Mr. Oswald cautioned the Council on using the TIF taxes to help with blight projects. Council member Schultz asked if this is used for bricks and mortar not what business is going into what building. Mr. Oswald responded that usage drives the taxable value of the building. If the building is fully utilized commercial that is the highest possible value. If the building is partial commercial and part residential that will have a lower value. If the building is entirely nonprofit and exempt, then there will not be any taxes. Council member Conrad asked about the taxes increasing due to improvements not due to extra taxes coming to the City. Mr. Oswald stated it is increased taxes paid by the building owner and the increase is captured by the City, so it is an increase in tax revenue by the City from just that parcel. The City's overall taxes are not going to be increased or decreased because of that. The Mayor asked how the base tax value and the improvement value are calculated. Mr. Oswald explained that the base value is the value that was on the tax rolls when the TIF Ordinance is approved. Once the improvements are put on then that will be added to the appropriate tax year. Council member Conrad asked if once the amount asked for is collected is the TIF then done. Mr. Oswald responded that is correct until some time as the Council has some other project(s) to support it. What happens to the TIF money is the next question. The TIF money has been collected, accumulated, and paying the City back for what the City put in up front. Once the City is fully paid back you cannot keep asking for TIF. You cannot bank and collect TIF ahead of when it is needed. You can keep asking for TIF in anticipation of another project until the next project is done, and the City's cash has been spent, then the City can start asking for TIF money. The City Clerk asked if once a project is done, should a new project arise, does the City need to start over with a new TIF Ordinance or can they start collecting again under the plan in place. Mr. Oswald stated that if the Urban Renewal Plan is carefully written it can remain in place. The Ordinance would evolve and change from time to time, but the Urban Renewal Plan would remain in place. Some Urban Renewal Plans are relatively tight, but when the next project comes that is not in that map, but fits the purpose, the map is changed, and the plan amended to bring the parcel in. In the annual TIF report, the Council tells the state how much debt has been incurred in support of the plan and how much money is wanted from the TIF income that is available. Council member McLaughlin moved, seconded by Council member Schultz, to approve to proceed with a new TIF District project. Upon the roll being called, the following voted Ayes: Schultz, Morlan, Schröder, Bender, Conrad and McLaughlin. Nays: None. Motion approved.

Council member Schröder stated the Public Safety Committee met and had a good discussion on the Animal Control Ordinance. He stated the group was divided into two different opinions on the subject. Council member Schröder summarized the meeting. He stated there were three different options to choose between: option one is to leave the current ordinance as is, the second option would be to adopt breed specific restrictions and requirements and the third option would be to eliminate the breed specific all together within the City ordinance. The concern about adopting breed specific restrictions and requirements is that would involve a variety of things the City is not currently doing. One of those things would be the licensing of dogs. After looking at different ordinances, there could be lots of requirements that would need to be put in place. Someone has to be designated as the decision maker who would determine whether the dog fit in a breed specific category or not. Historically it has been hard to determine if a dog fits into the breed specific category. The Public Safety Committee was split between leaving the ordinance as is and not make any changes or to eliminate the breed specific restriction all together and not have any restrictions on those specific breeds and treat them as any other dog. In the event there is an issue with a dog it would probably fall under the vicious dog category within the ordinance and treated in that way. Council member Morlan thanked Tiffany Ketcham for the information provided and the explanation from the last Council meeting. Council member Morlan stated there are a lot of dogs that are called Heinz 57 and

a lot of dogs running around town that would be part pit bull. Council member Morlan is guessing that at least one quarter of the dogs running around town are part pit bull. There are so many breeds included that Council member Morlan does not know how any dog could be distinguished. Council member Morlan would like to make a motion in the keeping a vicious animal section 4-1-9 item number 2 keeping a pit bull prohibited. It shall be unlawful to keep, harbor, own or any way possess within the corporate limits of the City any pit bull dog. He would like pit bull dog eliminated and instead say vicious animal. The third definition under keeping a vicious animal defines a pit bull and specific breeds and so on, to eliminate it completely. Council member Schultz commented that he does not take the same position. He does not feel that kind of change would be a benefit to the community. The ordinance we have goes back to the 1990s and is in place for a reason. There is always history that brings about the development of ordinances. If you remove the definition for pit bull, it waters down the current policy without any further guidelines as far as overseeing the things that pertain to enforcement of current policy which we have struggled with. Who makes the determination and where does the dog go? There have been a lot of uncomfortable situations with dog owners coming in and it is always the nice puppy that somehow bit somebody. What determines when a dog becomes vicious – when it bites somebody? Council member Schultz would like to keep the Ordinance as is since we cannot ramp it up and actually do it in a method that other cities are doing. The Committee looked at other policies (some large cities) and you can have lots of guidelines in place, but if you cannot follow through with enforcement then what is the point. Council member Morlan stated he has a Labrador Retriever which is the number one dog that has bit the most people. There are more Labrador Retrievers than all other dogs combined. Pit bulls are not on the top of the list for vicious animals if you take a look at dog bites, deaths and injuries by dogs. Since he has been on the Council, he remembers three dogs being kicked out and none of them were pit bulls. The vicious animal part of the ordinance serves well. He has read and heard that pit bulls are very sweet and wonderful loving animals. The City may lose some possible residents because of this ordinance. That is one of the determining factors whether Tiffany Ketcham moves to Sigourney or not and she is probably not the only one. Richard Fortney, Sigourney Police Officer, stated he has worked for the City for two and a half year and four years within the County. He has not had a single call of vicious pit bull. As an officer since 2012 he has had two vicious pit bulls both within Sigourney and both in houses where there was drug activity. Both times they were trained to attack officers. Any dog that is trained to attack people with a gun on their hip is going to be a vicious animal. From his knowledge since he has been back on July 1<sup>st</sup> there have been eight calls that were animal complaints of vicious animals and dog bites and not a single one was a pit bull. He has been in three houses that he can remember just in Sigourney that have large pits and they are the friendliest dogs he has dealt with here in town. In his opinion during his time here he has not had any issues with pit bull type animals. They have all been the little terriers and mutt dogs that seem to be the problem in his experience so far aside from the one husky a couple years ago that got loose and went up on a porch and bit a kid. The officers that have been bit were by little mutt dogs. Tiffany Ketcham stated she understands it would be hard to enforce some of the ordinances presented. She has found an easier one which includes doing three things: fencing, a leash and muzzling on a walk. These things would be enforceable without having to go through the process of registering dogs. Who decides is still difficult as there are questionable dogs which is the same problem we have today. The sample ordinance Mrs. Ketcham provided that would target the middle ground and would include the least amount of work for a new system. Council member Schröder stated that the stories you hear about vicious dog attacks are usually pit bulls or those breeds. He has not heard on the news about a Golden Retriever attacking somebody. It seems the ones that make the news reports are the pit bull and breed specific dogs. This is not a scientific study. In the simplest terms, he would not want Sigourney to become the sanctuary city for these breeds of dogs and to be known as the only town in Keokuk County that does not have anything to address it. Mrs. Ketcham stated the ownership statistics she has shared before is the reason she is pushing for middle ground. By having stipulations, the City could weed out the bad owners from the good. People who do not follow the law anyway that may already have these dogs in their houses in Sigourney and are hiding them. This is a way to weed those out and promote responsible dog ownership. She agrees that there is a lot in the media about these dogs – is it because they make the best story or are those the most attacks. Statistics would say otherwise as said about the Labrador, but it is also a skew because how many people do not report when they have been bit by a little dog. The reason you must have a responsible person with these dogs is because of their size and because of their ability to cause damage. This would be for any bigger dog, not breed specific. Any bigger dog can cause more damage than a smaller dog. Therefore Mrs. Ketcham believes that middle ground and promoting responsible ownership can take a stand against these communities that believe that every single dog that is a pit bull out there is bad. Council member Schröder responded that he is not aware of anything that the City may do, is going to address those people that are hiding these dogs. Mayor Glandon asked if there was a second to Council member Morlan's motion. Council member Conrad stated he is in favor of the middle ground because he does not want to be too lax when it comes to something that might be a potential nuisance. Obviously,

there is a reason for the ordinance being adopted and it has stood on the books for quite some time. He likes the responsibility part and for being responsible there are more perks/benefits. It is not going to make somebody put a kennel outside because they have been hiding a dog inside because it is that type of dog. It does allow people who are responsible and go by certain things to get their dog out of the house on a four-foot leash and muzzle or have it kenneled outside in a proper kennel. Council member Morlan's motion died due to lack of a second. Council member Bender moved, seconded by Council member Schultz, to leave the animal control ordinance like it is. Upon the roll being called, the following voted Ayes: Schultz, Schröder, Bender and McLaughlin. Nays: Morlan and Conrad. Motion approved.

Council member Morlan moved, seconded by Council member McLaughlin, to open City Hall to the public. Upon the roll being called, the following voted Ayes: Morlan and McLaughlin. Nays: Schultz, Schröder, Bender and Conrad.

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

**Park and Recreation:** Council member McLaughlin moved, seconded by Council member Conrad, to continue to keep the playground equipment open. Upon the roll being called, the following voted Ayes: Schultz, Morlan, Schröder, Bender, Conrad and McLaughlin. Nays: None. Motion approved.

Council member McLaughlin moved, seconded by Council member Morlan, to open the park shelters. Upon the roll being called, the following voted Ayes: Morlan and McLaughlin. Nays: Schultz, Schröder, Bender and Conrad. Motion failed.

Council member McLaughlin moved, seconded by Council member Morlan, to keep the ball fields open. Upon the roll being called, the following voted Ayes: Schultz, Morlan, Schröder, Bender, Conrad and McLaughlin. Nays: None. Motion approved.

Council member Morlan moved, seconded by Council member Schröder, to leave the restroom at Legion Park closed. Upon the roll being called, the following voted Ayes: Schultz, Morlan, Schröder, Bender, Conrad and McLaughlin. Nays: None. Motion approved.

**Water and Wastewater:** Director of Public Works I Northup stated that new watermain has been laid from Jackson Street all the way to the north end of the country club. They have new watermain laid on South Main Street from the hospital up to Pleasant Valley Street. This is a time-consuming process and the ground is hard, so it is moving along slowly.

**Public Safety:** Council member Schröder stated during a Public Safety Committee meeting he understands that the Sigourney UTV Code of Ordinance age restriction of eighteen is inconsistent with the County and State law or ordinance on the subject. The State and County have a lower age of sixteen and it was a consensus of the Public Safety Committee that the City reduce the City Ordinance age from eighteen to sixteen to be consistent with the County and State. Council member Schultz stated the Council was being cautious to begin with and put the age at eighteen. Consistency is a good thing. Council member Schultz moved, seconded by Council member Morlan, to change the Sigourney Code of Ordinances - Title III Community Protection – Chapter 15 Utility Trail Vehicles (UTV)s to correspond at age sixteen with the State and County. Upon the roll being called, the following voted Ayes: Schultz, Morlan, Schröder, Bender, Conrad and McLaughlin. Nays: None. Motion approved.

City Attorney Wehr stated there has been a meeting with the Keokuk County Sheriff as the Sheriff's Office has been providing patrol services. The City has one full-time officer and cannot do 24/7. There was discussion regarding a compensation plan in exchange for picking up some of the time the full-time officer cannot cover. The contract terminates by thirty day written notice by either party. It becomes effective retroactive to August 1, 2020 and terminates June 30, 2021. It is a short 28E Agreement with a sunset clause. It is not permanent, just to cover until the City decides what they are going to do. The administration in charge of keeping the filings is the County. The City does not have to provide the Sheriff with any property. The Sheriff agrees to answer 911 emergency and non-emergency calls for service within the City during the hours in which there are no Sigourney police officers on duty or on call. The Sheriff's Office may provide up to eighty hours of patrol within the City when there is no officer on duty. The Sheriff will continue to provide backup services as necessary and without payment from the City, which they currently do. The Sheriff will implement a system to keep track of time which will be time on the

site of the call, time filing charges, doing reports and other paperwork related to the call, time spent on court related matters related to the call, depositions, trial related to the call and charges arising therefrom. Records will be kept in one-hour increments and it is a two-hour charge when a deputy responds. There are certain types of calls that probably do not require an immediate response and those will be deferred back to the City Police for investigation. The City will provide the Sheriff on the 20<sup>th</sup> of each month scheduled hours that the City Officer will be scheduled to be on duty, so the Sheriff will know when the City Officer is not on duty and then will know to backup during that time. Monthly billing will be the 15<sup>th</sup> of each month. The rate is \$40.00 per hour to be paid within thirty days. No property is going to be jointly owned or purchased. The City property will remain City property and County property will remain County property. Council member Conrad asked about the up to eighty hours and whether that is up to the City's discretion or the County's discretion. Mayor Glandon stated it is what is available and depending on activity it will be an average. This is a work in progress. The City will not receive a schedule from Sheriff's Office due to their manpower. Council member McLaughlin asked what happens if the Sheriff's Office is not able to fill the schedule. Council member Conrad stated then the City would know they need to get three new Police Officers and have our own department and not rely on the Sheriff's Office. Mayor Glandon stated the City cannot provide 24/7 anyway. Police Officer Fortney stated he has a schedule that would provide that if the City had three full-time. Three full-time officers would work 120 hours. There are also reserves that work some hours. Officer Fortney stated he had information on calls on his shifts and other historic activity. City Attorney Wehr reminded the Council the agreement states up to eighty hours, so if the City hired additional officers the Sheriff's Office might not be needed. Council member Conrad moved, seconded by Council member Schultz, to approve a Law Enforcement Services Contract Between the Keokuk County Sheriff and the City of Sigourney as a Temporary 28E Agreement. Upon the roll being called, the following voted Ayes: Schultz, Morlan, Schröder, Bender, Conrad and McLaughlin. Nays: None. Motion approved.

**City Clerk:** City Clerk Alderson stated she gave the Council a copy of the Local Options Sales and Services Tax projection for Fiscal Year 2021. There was also a good article from the Iowa League of Cities regarding this.

The Annual Conference for the Iowa League of Cities will be virtual this year on September 16-18. These will be Zoom sessions and YouTube sessions if anyone is interested.

**Public Input:** Police Officer Fortney gave the Mayor and Council information on the calls he and the reserves have been on since he returned to duty on July 1, 2020. The additional sheets are historical from when he started in March of 2018. These are all the arrests. Officer Fortney gave an overview of the sheets. Officer Fortney was asked if he knew how many calls the Sheriff's Office had responded to and he stated no, but he was sure they would provide that information. He was also asked if he has been called to assist the Sheriff's Office during this time and Officer Fortney responded that while on duty, he has assisted the Sheriff's Office and Conservation six times. He was asked if the Sheriff's Office has assisted him on calls and he stated yes.

The meeting was adjourned by acclamation at 7:27 p.m.

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Douglas L. Glandon, Mayor

ATTEST: \_\_\_\_\_  
Angela K. Alderson, City Clerk