

June 15, 2020

The Keota City Council Meeting was called to order at 7:01 p.m. on Monday, June 15, 2020, by Mayor Anthony Cansler.

Council members answering roll call were: Curt Burroughs, Mike Bender, Matt Greiner, Keith Conrad, and Rod Hill. City Employee present was Tomisha Hammes. Also in attendance was Rich Klein, Sheila Horras, Jim Tinnes, Heath McDonald, Kathy Davis, Dan Flynn, Karen Sypherd, Carl Sigler, Judy Sigler, Kathy Ewald, Tim Minard, and Ryan Sieren.

Councilman Burroughs gave the Invocation.

Motion was made by Councilman Burroughs to approve the consent agenda including minutes from the June 1, 2020 meeting, May month end financials, and payment of bills. Councilman Bender seconded the motion. Motion passed with a unanimous vote.

**CITY OF KEOTA  
JUNE 15, 2020 COUNCIL MEETING  
FOR PERIOD JUNE 2 - JUNE 15, 2020**

<u>PAYEE</u>	<u>AMOUNT</u>	<u>COMMENT</u>
BURROUGHS, ESTHER	\$25.22	Payroll
CONRAD, DOUGLAS L.	\$1,803.00	Payroll
GREINER, ASHLEY	\$25.22	Payroll
GREINER, TONIA	\$745.97	Payroll
HAMMES, TOMISHA	\$1,037.03	Payroll
MILLER, KEVIN	\$1,207.77	Payroll
SLAUBAUGH, KEVIN L.	\$1,458.56	Payroll
EFTPS	\$1,812.80	Employee Withholdings
FARMERS COOPERATIVE	\$2,520.42	All Dept. Veh. O & M - Skid Loader/Sewer truck tires
JEFF GARMAN	\$1,875.00	Cemetery Mowing Contract
MERLYN DETWEILER	\$15.00	Park - Mower Blade Sharpening
ACTION SERVICES	\$143.75	Park - Monthly Service
MID-AMERICA PUBLISHING	\$471.56	All Dept. Printing & Publishing
UNITED STATES POST OFFICE	\$56.00	All Dept. Post Office Box
VERIZON	\$40.01	Police - Hot Spot
QUILL	\$188.89	All Dept. Office Supplies
ION ENVIRONMENTAL SOLUTIONS	\$1,810.80	Water/Sewer - Operations & Labs
IOWA DEPT. OF NATURAL RESOURCES	\$175.00	Storm Water Permit Fee
THE NORTHWAY CORP.	\$12,908.77	Water - Retention Basin Pump #1
HICKENBOTTOM INC.	\$172.18	Sewer - Operating Supplies
QUAD CITIES WINWATER	\$2,308.40	Water - Water Meters
WATER SOLUTIONS UNLIMITED INC.	\$381.98	Water - Hypochloride
US CELLULAR	\$194.56	All Dept. - Cell Phones
VISION AG	\$200.00	All Dept. Grass Seed
ALL AMERICAN PEST CONTROL	\$65.00	City Hall/Maintenance Shop - Pest Control
CELESTE WOLTERING	\$75.00	Water Deposit - Refund for Finalized Bill
MUNICIPAL SUPPLY INC.	\$146.25	Sewer - Operating Supplies
JJ NICHTING	\$7.94	Park - Operating Supplies

IOWA LEAGUE OF CITIES  
RIVER PRODUCTS CO.

\$846.00 All Dept. Membership Dues  
\$27.36 Roads - Street Repair

**TOTAL** \$32,720.22

May 2020 Month End  
Financials

FUND	BEGINNING BALANCE	RECEIPTS	EXPENDITURES	END BALANCE
LIBRARY CD 1	\$39,174.23	\$87.90		\$39,262.13
LIBRARY CD 2	\$30,796.36	\$69.10		\$30,865.46
SEWER CD	\$144,633.11	\$324.53		\$144,957.64
SEWER VEH CD	\$20,436.52			\$20,436.52
WATER CD	\$68,958.00			\$68,958.00
WATER VEH CD	\$420.79	\$2.10		\$422.89
DARE	\$877.62			\$877.62
POLICE FORFEITURE	\$572.49			\$572.49
GEN FD INV	\$1,448.61	\$0.12		\$1,448.73
GEN FD LIBR INV	\$4,977.89	\$0.42		\$4,978.31
LIB BUILDING	\$1,304.45	\$0.11		\$1,304.56
LIB MEMORIALS	\$305.81			\$305.81
PERPETUAL CARE FUND	\$7,510.17	\$0.64		\$7,510.81
POLICE VEHICLE INV	\$22,297.50	\$1.89		\$22,299.39
PARK & CEM VEH	\$8,605.60	\$0.45	\$8,000.00	\$606.05
CITY HALL BLDG RPR	\$19,205.04	\$1.63		\$19,206.67
CIVIL DEFENSE FU	\$3,173.02	\$0.27		\$3,173.29
KEOTA DAYCARE	\$1,189.44	\$0.10		\$1,189.54
WILSON MEMORIAL LIB	\$17,563.09	\$1.49		\$17,564.58
T&A METER INV	\$23,657.27	\$2.01		\$23,659.28
SIDEWALK SAVINGS	\$14,516.66			\$14,516.66
WTR VEH SAVINGS	\$24,454.30			\$24,454.30
WTR TWR MAIN SAVINGS	\$9,639.36			\$9,639.36
SEWER VEH SAVINGS	\$8,115.71			\$8,115.71
SNOW EQUIPMENT SAVINGS	\$5,068.96			\$5,068.96
CHECKING GENERAL	\$564,520.30	\$170,785.08	\$130,862.32	\$604,443.06
GENERAL - LOCAL OPTION		\$97,981.02	\$29,556.37	
DARE ROAD USE		\$6,014.64		
EMPLOYEE BENEFITS		\$9,524.48	\$3,296.41	
DEBT SERVICE			\$1,678.46	
CAPITAL IMPROV RESER		\$949.56		
LIBRARY		\$6,336.48		
LIBRARY MUSEUM		\$86.35	\$3,027.97	

WATER	\$25,513.46	\$21,514.93
CP. WTR. TRTMNT. PLANT		
CP. WTR. TOWER		
CP. WTR. MAIN DAVIS ST		
CP. WTR MAIN BROAD/DAVIS		
UTILITY DEPOSITS	\$1,000.00	
SEWER	\$18,581.44	\$8,751.94
SEWER EXT- BROADWAY SEWER PLANT UPGRADE		
TOTAL		\$1,075,837.82

Citizen Comments: There were no comments.

#### Department Reports:

-Officer Doug Conrad submitted a written report. For the reporting period of May 29 through June 14, 2020, there were fifteen (15) service calls/complaints and no citations issued. Service Calls/Complaints: one burglary, one theft, one vandalism, one controlled substance, one intoxication, one disorderly conduct, one accident (traffic), one assist and serve, one lost and found, two dog/cat/misc. animal, one traffic violation, one parking, two domestic abuse.

-Library – There is a large book sale going on at the library.

-Public Works – There was a service water line break on South Fulton Street due to the amount of water being used for the road construction. Slaubaugh has requested that outside contractors needing large amounts of water use other sources as it is hard on the City's system to try to keep up with the demand.

Dan Flynn gave a Pool Advocates update. There will be a garage sale this weekend with proceeds going to the pool project. The Advocates will be back in August to discuss where they are at with the fundraising. Since COVID-19 hit, numerous fundraisers had to be cancelled and the WCRF spring grant cycle was also cancelled. Councilman Bender stated that in August is when they will discuss putting the pool bond issue on the November ballot for the residents to vote on.

The clerk did the final reading of Ordinance 2020-282: Open Burning Restrictions. There was a petition presented with thirty-nine (39) signatures stating that they do *not* want the Keota City Council to allow burning of leaves or household garbage and/or trash within the city limits.

Motion was made by Councilman Bender to approve Ordinance 2020-282: Open Burning Restrictions. Councilman Greiner seconded the motion. Roll call vote: Ayes – Bender; Nays – Burroughs, Greiner, Conrad, Hill; Abstain – None; Absent – None. Motion failed by a 4-1 majority vote.

The clerk did the final reading of Ordinance 2020-284: Animal Ordinance. Councilman Conrad asked what would be considered the satisfactory evidence to prove that a dog is a pit bull and would the city have to pay to show proof. Councilman Burroughs stated that in conversations with the city attorney, it was stated that a photo would be considered satisfactory evidence to prove it was a pit bull dog.

Motion was made by Councilman Conrad to approve Ordinance 2020-284: Animal Ordinance. Councilman Bender seconded the motion. Roll call vote: Ayes – Burroughs, Bender, Greiner, Conrad; Nays – Hill; Absent – None; Abstain – None. Motion passed with a 4-1 majority vote.

Ordinance No. 2020-284: AN ORDINANCE AMENDING THE CITY OF KEOTA, IOWA, 2017 MUNICIPAL CODEBOOK OF ORDINANCES – ANIMAL CONTROL

**BE IT ENACTED** by the City council of the city of Keota, Iowa:

**SECTION 1.** Title IV, Chapter 1, Sections 8, 11, and 12 of the City of Keota, Iowa, 2017 Municipal Codebook of Ordinances, is hereby repealed and the following adopted in lieu thereof:

**4-1-8 DANGEROUS ANIMALS**

1. **Dangerous Animals Prohibited.** No person shall keep, shelter, or harbor for any purpose within the City limits a dangerous animal except for the following circumstances;
  - a. Animals under the control of a law enforcement or military agency.
2. **Definitions.** A dangerous animal is:
  - a. Any animal which is not naturally tame or gentle, and which is of a wild nature or disposition, and which is capable of killing, inflicting serious injury upon, or causing disease among human beings or domestic animals, and having known tendencies as a species or breed to do so.
  - b. The following are animals which shall be deemed to be dangerous animals per se:
    - i. Lions, tigers, jaguars, leopards, cougars, lynx, and bobcats;
    - ii. Wolves, coyotes, and foxes;
    - iii. Badgers, raccoons, wolverines, weasels, skunks, and mink;
    - iv. Bears;
    - v. Monkeys, chimpanzees, and apes;
    - vi. Alligators and crocodiles;
    - vii. Scorpions and gila monsters;
    - viii. Snakes that are venomous or constrictors;
    - ix. Any animals declared to be dangerous by the City Council.
3. **Pit Bull Breeds Prohibited.** No person shall keep, shelter, or harbor for any purpose within the City limits, a Pit Bull as defined in this ordinance.
  - a. Pit Bull dogs defined as the following;
    - i. American Pit Bull Terrier
    - ii. American Staffordshire Terrier
    - iii. Staffordshire Bull Terrier
    - iv. Or any dog displaying a majority of the distinguishable physical characteristics as set forth and established as physical characteristics by the American Kennel Club, United Kennel Club for any of the aforementioned breeds.
  - b. The City shall bear the burden of proof to show the dog is a pit bull by clear, convincing, and satisfactory evidence.
4. **Vicious Animal Definition.** A vicious animal means any animal, except for a dangerous or banned animal as listed above, that has attacked, bitten or clawed a person and the attack was unprovoked, or any animal that has exhibited vicious tendencies in the past or present conduct.
5. In the event that a dangerous animal, banned animal, or vicious animal (as defined in this ordinance) is found at large and unattended upon public property, park property, public right-of-way, or the property of someone other than its owner, thereby creating a hazard to persons or property, such animal may, at the discretion of the Mayor or Peace Officer, be destroyed if it

cannot be confined or captured. The City shall be under no duty to attempt the confinement or capture of a dangerous, banned, or vicious animal (as defined in this ordinance) found at large, nor shall it have a duty to notify the owner of such animal prior to its destruction.

6. Upon the complaint of any individual that a person is keeping, sheltering or harboring a dangerous, banned, or vicious animal (as defined in this ordinance) on premises in the City, the Mayor or Peace Officer shall cause the matter to be investigated and if after investigation, the facts indicate that the person named in the complaint is keeping, sheltering or harboring a dangerous, banned, or vicious animal (as defined in this ordinance) in the City, the Mayor or Peace Officer shall order the person named in the complaint to safely remove such animal from the City or destroy the animal within three days of the receipt of such an order. Such order shall contain the following and be delivered in person or by certified mail:
  - a. A copy of the ordinance;
  - b. A description of ordinance violation;
  - c. Order of compliance;
  - d. Information of procedure of appeal

Such order and notice to remove such animal shall not be required where such animal has previously caused serious physical harm or death to any person, in which case the Mayor or Peace Officer shall cause the animal to be immediately seized and impounded or killed if seizure and impoundment are not possible without risk of serious physical harm or death to any person.

7. The order to remove a dangerous, banned, or vicious animal (as defined in this ordinance) issued by the Mayor or Peace Officer may be appealed to the Council. In order to appeal such order, written notice of appeal must be filed with the Clerk within seven days after receipt of the order contained in the notice to remove the dangerous, banned, or vicious animal (as defined in this ordinance). Failure to file such written notice of appeal shall constitute a waiver of the right to appeal the order of the Mayor or Peace Officer.
8. The notice of appeal shall state the ground for such appeal and shall be delivered personally or by certified mail to the Clerk. The hearing of such appeal shall be scheduled within seven days of the receipt of the notice of appeal. The hearing may be continued for good cause. After such hearing, the Council may affirm or reverse the order of the Mayor or Peace Officer. Such determination shall be contained in a written decision and shall be filed with the Clerk within three days after the hearing or any continued session thereof. If the Council affirms the action of the Mayor or Peace Officer the owner may be responsible for all costs associated with the maintenance of the animal. However, if the Council over turns the action of the Mayor or Peace Officer, the dog will be returned to the owner and no costs shall be assessed against them.
9. If the Council affirms the action of the Mayor or Peace Officer, the Council shall order in its written decision that the person owning, sheltering, harboring, or keeping such dangerous, banned, or vicious animal (as defined in this ordinance) remove such animal from the City or destroy it. The decision and order shall immediately be served upon the person against whom rendered in the same manner as the notice of removal. If the original order of the Mayor or Peace Officer is not appealed and is not complied with within three days, or the order of the Council after appeal is not complied with within three days of its issuance, the Mayor or Peace Officer is authorized to seize, impound or destroy such dangerous, banned, or vicious animal (as defined in this ordinance). Failure to comply with an order of the Mayor or Peace Officer issued pursuant to this chapter and not appealed, or of the Council after appeal, constitutes a misdemeanor offense for each day of failure to comply.

#### **4-1-11 ANIMALS AND FOWL**

1. It shall be unlawful for a person to keep within the City limits cattle, horses, swine, sheep, goats, ostriches, emus, rheas, or guinea fowl unless any parcel of land is greater than two and a half (2.5) acres.
2. Animals and small fowl such as pigeons and quail; medium fowl such as pheasants, chickens and ducks; and large fowl such as geese, turkeys, and peafowl which are of such type and nature that State and National Associations exist establishing norms for breeding, confining and rearing shall be allowed, provided that:
  - a. Cages, hutches, coops, cotes, lofts or other confinement shall be at least 35 feet away from any neighboring residence; such enclosures shall be of sufficient size to house the number of fowl permitted.
  - b. The area is maintained free of odors, insects and rodents, and excessive noises such as crowing, cackling, and gobbling, causing no safety or health hazards to the general public or interfering with the enjoyment of life and property by any neighboring resident.
  - c. Animals and fowl included in this subsection shall be fed in the confines of their enclosures; all grains and food shall be stored in rodent proof containers.
  - d. On any parcel of land which is a single lot, such animals shall be limited to five (5) large fowl, ten (10) medium fowl, and twenty (20) small fowl consisting of no more than two species.
  - e. On any parcel of land which is a double lot and smaller than two and a half (2.5) acres, such animals shall be limited to ten (10) large fowl, twenty (20) medium fowl, and thirty (30) small fowl consisting of no more than four species.
  - f. All animals and fowl in this subsection must be permanently fenced and may not be enclosed or fenced in the front yard of a dwelling.
  - g. The young produced by any animals or fowl within this subsection may be maintained with the parent animals for a period of approximately eight weeks but in no case more than ten weeks.
  - h. It shall be unlawful for a person to keep within the City limits more than one (1) rooster of crowing age.
3. Dead Animals
  - a. No person shall place any dead animal in any street, alley or other public place in the City or allow any dead animal which he or she owned or for which he or she had control to remain in any street, alley or other public place or on the premises of any person within the City for more than five hours. If an animals dies in any street, alley or other public place or on the premises of any person within the City, the person who owned or had possession and control of the animal prior to death shall remove or cause to be removed the carcass within five hours from the time the animal dies and shall have the carcass desiccated or cremated.
4. No person shall abandon any animal or fowl within the corporate limits.
5. No owner of any animal or fowl shall allow such animal or fowl to cause damage to or interfere with the property of another.

#### **4-1-12 PENALTIES FOR VIOLATIONS**

1. Any person guilty of violating the provisions herein shall be guilty of a simple misdemeanor and shall be subject to a fine of one hundred dollars (\$100.00) or a municipal infraction per offence.

**WHEN EFFECTIVE.** This Ordinance shall be in effect from and after its final passage, approval and publication as provided by law. Passed and approved by the Keota City council on the 15<sup>th</sup> day of

June, 2020.

The city clerk did the first reading of Ordinance 2020-285: Building and Land Use Regulations – Fees.

Motion was made by Councilman Burroughs to waive the 2<sup>nd</sup> and 3<sup>rd</sup> reading of Ordinance 2020-285: Building and Land Use Regulations – Fees. Councilman Conrad seconded the motion. Roll call vote: Ayes – Burroughs, Bender, Greiner, Conrad, Hill; Nays – None; Absent – None; Abstain – None. Motion passed with a unanimous vote.

Motion was made by Councilman Burroughs to approve Ordinance 2020-285: Building and Land Use Regulations – Fees. Councilman Bender seconded the motion. Roll call vote: Ayes – Burroughs, Bender, Greiner, Conrad, Hill; Nays – None; Absent – None; Abstain – None. Motion passed with a unanimous vote.

Ordinance No. 2020-285: AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF KEOTA, IOWA, 2017, BY AMENDING PROVISIONS PERTAINING TO THE BUILDING AND LAND USE REGULATIONS.

**BE IT ENACTED** by the City Council of the City of Keota, Iowa:

**SECTION 1.** Title VI, Chapter 12, Section 5 of the Keota Municipal Code, 2017, is hereby repealed and the following adopted in lieu thereof:

Title VI, Chapter 12, Section 5: FEES. The following fees shall accompany applications:

Sidewalks:	\$10.00
Fence:	\$10.00
Deck:	\$25.00
Residential Structure:	\$50.00
Commercial Structure:	\$100.00

**SECTION 2. REPEALER.** That all other ordinances or parts of ordinances in conflict herewith are repealed.

**SECTION 3. SEVERABILITY CLAUSE.** That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council of the City of Keota, Iowa, hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

**SECTION 4. WHEN EFFECTIVE.** This Ordinance shall be in effect from and after its final passage, approval and publication as provided by law. Passed and approved by the Keota City council on the 15<sup>th</sup> day of June, 2020.

Motion was made by Councilman Burroughs to approve Resolution 2020-28: Employee Handbook Updates including the change of new hires after July 1, 2020 are eligible for only single plan health care and establishing a Personnel Committee to do the employee evaluations. Councilman Bender seconded the motion. Roll call vote: Ayes – Burroughs, Bender, Greiner, Conrad, Hill; Nays – None; Absent – None; Abstain – None. Motion passed with a unanimous vote.

Discussion on the 28-E Agreement with the Washington Conservation Board was held regarding who would pay for the gravel on the KeWash Trailhead area. The Council stated that the City of Keota would pay for the gravel, but they request that Washington County then level and maintain it. The information will be submitted to the Washington County Conservation Board with the potential to approve the 28-E Agreement at the next City of Keota Council Meeting.

Motion was made by Councilman Bender to appoint the News Review as the official paper for the City of Keota due to the Keota Eagle being absorbed by the News Review. Councilman Conrad seconded the motion. Motion passed with a unanimous vote. There is an option to look at other newspapers in the future if there isn't an adequate amount of Keota news in the News Review.

Motion was made by Councilman Conrad to approve the building permit for a fence at 207 N. Ellis Street. Councilman Greiner seconded the motion. Motion passed with a unanimous vote.

Motion was made by Councilman Conrad to approve the building permit for a deck at 206 W. Broadway Avenue. Councilman Bender seconded the motion. Motion passed with a unanimous vote.

Motion was made by Councilman Conrad to approve the building permit for a fence at 109 N. Lincoln Street. Councilman Bender seconded the motion. Motion passed with a unanimous vote.

Motion was made by Councilman Burroughs to approve the letter of support to request a change in the amortization loan schedule for the Nuisance Abatement Loan for the SDF Properties, LLC loan from the Iowa Economic Development Authority. Councilman Greiner seconded the motion. Motion passed with a unanimous vote.

Discussion was held on the Agreement and Contract for Fire Protection between the City of Keota and the Keota Fire Department. The contract is the same as the previous years with one change. The city hall will be moving to a new location and the Keota City Council will own the building the fire department is housed in, but the fire department will then be able to use the whole building for their own purposes. The Keota City Council is requesting that the Keota Fire Department pay all the electrical and gas for the fire station since the city hall will no longer be located there. The Keota City Council would still maintain the building itself, but any interior changes that the fire department chooses to make the Council stated that they need to look for grants to pay for the changes. The Council stated that the city would be open to taking over paying the electrical bills for the siren at the fire station. The Keota Fire Department will have a Board meeting to discuss and let the Council know their decisions.

Clerk/Council/Mayor Comments: The clerk stated that Misc. on Main is working on the inlay stickers for the clock at the new city hall location. She will be having a conference call with Tammy Wetjen-Kesterson, Director

Iowa/Jefferson/Keokuk County Early Childhood Iowa, on Tuesday, June 16, 2020 at 9:30 a.m. to discuss where we are at with the Daycare Survey and get any updates from her. Dan Levi, Levi Architecture, will be down either on July 14 or 15, 2020 to do the walk through of the library to see if there is potential for it to be turned into a daycare facility. The property sale for 201 South Davis Street has been finalized, so per the agreement, the new owners have twenty-four (24) months to erect a structure on that property. Councilman Burroughs thanked the residents for coming out and voicing their opinions at the last few meetings. Councilman Bender stated that he is frustrated with the ATV/UTV and Golf Cart Ordinances because people are not following the laws. He stated that as we are having the meeting a golf cart drove by on Broadway Avenue with kids driving and kids standing in the back of it. They aren't allowed on Broadway Avenue with golf carts, the legal age to drive the carts is 18 years unless going to the golf course, and people aren't allowed to stand on the back of the golf carts. Councilman Conrad and Councilman Greiner both agreed that people are not following the ATV/UTV and golf cart ordinances, so we need to figure out a way to let those people who have ATVs/UTVs and golf carts know what the ordinances are and that they need to be registering them. Mayor Cansler stated that as a community if you see something going on then contact authorities or the Mayor/Council and let them know. With a one person police department, he



can't be everywhere, so it is up to us as a community do help out and say something if you see someone doing something wrong. He thanked all those that have been coming and voicing their opinions – it helps the Council to make decisions by hearing what the public wants or doesn't want.

Motion was made by Councilman Conrad to adjourn at 8:17 p.m. Councilman Bender seconded the motion. Motion passed with a unanimous vote. The City Council will next meet on Monday, July 6, 2020, starting at 7:00 p.m.

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MAYOR ANTHONY CANSLER

ATTEST:

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CITY CLERK TOMISHA HAMMES

\*These are not official minutes. All documents/ordinances/resolution can be viewed at the Keota City Hall. These minutes will be approved at the next council meeting.\*