

Mitchellville City Council Proceedings
Regular Meeting¹– January 6, 2015

The Mitchellville City Council met in regular session at 7:00 pm in the council chambers of City Hall, 204 Center Ave. N, pursuant to notice.

Mayor Filbert called the meeting to order, roll call, members present: McGhee, Crook, Zook, Thomas and Engler.

A motion by Crook to approve the tentative agenda, second by McGhee. Motion carried unanimous.

A request by City Clerk Norton to amend the consent agenda changing the amount of claims being paid from \$175,606.05 to \$189,497.51; this includes a payment of \$13,891.46 to United Services for repair on the fire/police garage. Crook asked if the City was being reimbursed for this by our insurance company and was told yes. A motion by Engler to approve the amended consent agenda which includes 2 regular payrolls, the 12-15 council minutes, Council Member Board Liaisons Appointments: Steve Zook Park & Rec, Deb Thomas Library Board of Trustees, Laura Engler Board of Adjustment, Joe Crook Planning & Zoning, and Joe Crook City Tree Board. Safety Committee Appointments: Jeremy Filbert, Dean McGhee and Steve Zook. The Library Board of Trustees' 11-24-14 meeting minutes, bills for Dec. 2014, Nov. stats and Dec. 2014 Library Director's report and approval of Dollar General's liquor license, second by Zook. Motion carried unanimous.

Public Audience: None

A motion by McGhee to approve Resolution 2015-01 which approved Construction Contract & Bond from Visu Sewer for Sewer Rehab Project second by Zook. Motion carried unanimous.

A motion by McGhee to approve Resolution 2015-02 which approved fixing Feb. 2, 2015 for a Public Hearing on a Sewer Revenue Loan and Disbursement Agreement, second by Thomas. Motion carried unanimous.

A motion by McGhee to approve Resolution 2015-03 which approved the appointment of Steve Zook as Mayor Pro Tem, second by Thomas. Motion carried unanimous.

A motion by McGhee to approve Resolution 2015-04 which approved the appointment of Kary Kinmonth as Police Chief, second by Zook. Motion carried unanimous.

A motion by Crook to approve Resolution 2015-05 which approved the appointment of Mike Twohey as Fire Chief, second by McGhee. Motion carried unanimous.

A motion by Thomas to approve Resolution 2015-06 which approved the appointment of Jeremy Filbert as the City's representative and Jon Woods as the alternate to the Metro Waste Authority Board, second by Crook. Motion carried unanimous.

A motion by McGhee to approve Resolution 2015-07 which approved the appointment of Mike Twohey as the City's representative and Kary Kinmonth as the alternate to the Polk County Emergency Management Commission, second by Thomas. Motion carried unanimous.

A motion by McGhee to approve Resolution 2015-08 which approved the appointment of Mike Twohey as the City's representative and Kary Kinmonth as the alternate to the County E911 Service Board, second by Engler. Motion carried unanimous.

A motion by Crook to approve Resolution 2015-09 which approved the appointment of Jeremy Filbert as the City's representative and Laura Engler as the alternate to the Metropolitan Planning Organization (MPO) and the appointment of Wayne Patterson as the City's representative and Cory Eshelman as the alternate to the MPO TCC, second Zook. Motion carried unanimous.

A motion by Crook to approve Resolution 2015-10 which approved the appointment of Jeremy Filbert as the City's representative and Deb Thomas as the alternate to the Metro Advisory Council (MAC), second by Zook. Motion carried unanimous.

A motion by Engler to set Saturday April 25, 2015 or second Saturday April 18, 2015 as the date for the City Wide Clean Up, second by Zook. Motion carried unanimous.

Crook stated he had been out of town and he still has discolored water and felt the City needed to hire an outside company or agency to take samples of the City water and have it analyzed. Zook felt the City did not need to lay out the cost for an outside agency, that our PW personnel could take the samples and have it tested. Because it is sporadic over town, water samples need to be taken from all over town. Crook stated samples should be taken from the fire hydrants not just the houses. Resident Bill Roberts said he was part of a group of residents who turn in water samples every 2 years. PW Director Patterson stated water samples are taken daily from different sources all over town. The IDNR dictates where the samples are taken from daily and it does include water mains. He contacted a company to bring in divers to check out the water tower and retention tank. The decision was made to wait for those results.

The City has received 5 phone calls since the December 15th meeting on the rooster situation at 212 Mitchell Ave SW. After some discussion on the interpretation of the poultry ordinance, Engler stated since the City was still receiving complaints she felt that the rooster needed to be relocated. Gary Fry who lives across the street and had complained in past stated it was not as a big problem now because of the weather but felt allowing an exception to the ordinance would be a bigger problem. Crook felt the rooster needed be relocated also. The Council did not permit the request for an exception allowing the rooster to remain at 212 Mitchell Ave. SW. A motion by Thomas to dismiss the previous tickets issued, second by Engler. Ayes: Crook, Thomas, Zook and Engler. Abstain: McGhee. Ms. Webb has 1 week to relocate the rooster.

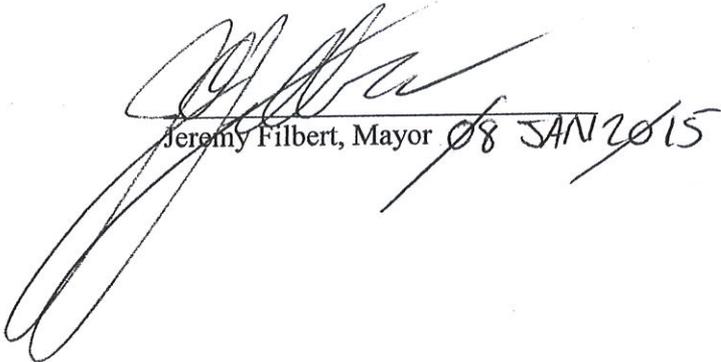
A motion by Thomas to approve the P&Z Commission's recommendations for updating the City's M1 and M2 zones, second by Zook. Motion carried unanimous.

Mayor Filbert stated the reprimand of the City Administrator stemmed from the situation regarding the decision about Brewed Awakening. Crook stated the decision has caused a lot of hard feelings for and against the business and it was an inappropriate decision, they should never been allowed to open. Zook stated Ruth knew she made a mistake in allowing them to open their business. McGhee commented the decision to allow the drive up coffee was not that far out of line but the operator of the establishment took it 3 more steps pass that decision and turned it in to a full blown sit down restaurant and there are still the parking issues. He felt she was trying to get a business up and running and her decision was not that far out there and it sure doesn't swell up to a full reprimand. Crook asked Ruth if she wanted a closed hearing and she declined. City Administrator Norton stated yes she had made a mistake in allowing them to open their drive up coffee business and had stated that before. She thought all of Center Ave. was C1 or C2. They were allowed to open a drive up coffee establishment and they were never given permission to expand it to a full blown sit down restaurant. The Andersons never came back into City Hall with any other requests or permits. She stated council member Zook was correct and it was her mistake and she promised the council she would never allow it again. If a request does not meet the zoning codes and or ordinances requirements 110% it will not be allowed. We have all these unopened businesses and thought a small coffee shop would be fine but it did not turn out that way. She stated she took direction

and orders from the Council and Mayor but she worked for the residents of this town and has for over 11 years even when there was nobody else working in City Hall. And any employee that works under her is told everybody that walks through the doors is treated equally. She gave John Anderson a little bit of a step over and should not have. She apologized for that decision but nothing else about Brewed Awakening. She received a direct order from the Mayor to send them a letter which she did and that started the snow balling of this side and that side and that City Hall closed Brewed Awakening. Neither City Hall nor the BOA closed Brewed Awakening. BOA denied their request for a variance for a sit down restaurant and that had more to do with their lack of parking. We received complaints from residents, PW and the police department about the parking. They could still run their drive up as well as their carry out. Zook stated that was a different issue whether it is drive up or a sit down restaurant it is still a restaurant and had been illegally zoned the entire time. The correct way to have done it was to have told them no, unless they got it rezoned or went through BOA, they could not open up the restaurant. Richard Gooden stated he was a resident of this town and this was his first council meeting but planned on attending more meetings. There were issued on the agenda he didn't understand but he has never had any problem with his water and he does not have a softener or filters. If anyone wanted their water tested they could contact any water softener company and they will test it free of charge. Another thing he didn't understand as to why we don't allow any commercial in this town. He has children here and he loves the small town effect but our taxes are crazy because we don't have enough commercial and things like the expansion of Casey's we reject. He feels more residents need to get more involved and he will get more involved.

Updates from council members, department heads and Mayor were given. Council member Crook invited Mr. Gooden to join the Tree Board to get more involved.

Mayor Filbert adjourned the meeting at 8:16 pm.


Jeremy Filbert, Mayor 08 JAN 2015

ATTEST:


Ruth Norton, City Admin/Clerk