

City of Fontanelle
June 11, 2007

The Fontanelle City Council met in regular session at 7 p.m. with Mayor Homan calling the meeting to order. Council members present were: Newton, Sickles, Warrior, and Reed. Absent: Glassell. All motions are carried unanimously unless otherwise noted.

Motion by Newton to approve the agenda as presented with the addition of a visibility problem at the corner of 1st Street and Washington Street and closing the square for the 4th of July celebration. 2nd by Sickles. Motion carried.

At 7:05 p.m. a public hearing was held to hear comments on the Pit Bull Dog and Vicious Dog Ordinance. There were no comments made. The public hearing was closed. Newton moved that the rule that an ordinance must be received and filed at two meetings prior to the meeting when final action is taken, or if published in the summary be received and filed at one meeting prior to the meeting of final action, be dispensed with. 2nd by Reed. Roll was called with the following voting Aye: Newton, Sickles, Warrior, and Reed. Voting Nay: none. Motion carried. Motion by Newton to adopt Ordinance 2007.1. 2nd by Sickles. Roll was called with the following voting Aye: Newton, Sickles, Warrior and Reed. Voting Nay: none. Whereupon the Mayor declared this ordinance duly passed and adopted as:

Ordinance No. 2007.1

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF FONTANELLE, IOWA, 2002, BY ADDING A NEW SECTION 55.20

BE IT ENACTED by the City Council of the City of Fontanelle, Iowa:

SECTION 1. NEW SECTION. The Code of Ordinances of the City of Fontanelle, Iowa, 2002 is amended by adding a new Section in Chapter 55, numbered 55.20, entitled PIT BULL DOGS AND VICIOUS DOGS which is hereby adopted to read as follows:

55.20.01 DEFINITIONS. For use in this Chapter, the following terms are defined.

1. "Pit Bull Dog" means:

1. The Bull Terrier breed of dog;
2. The Staffordshire Bull Terrier breed of dog;
3. The American Pit Bull Terrier breed of dog;
4. The American Staffordshire Terrier breed of dog;
5. Dogs of mixed breed or of other breeds than above listed which breed or mixed breed is known as pit bulls, pit bull dogs or pit bull terriers; or
6. Any dog which has the appearance and characteristics of being predominately of the breeds of Bull Terrier, American Staffordshire Terrier, any other breed commonly known as pit bulls, pit bull dogs, or pit bull terriers, or a combination of any of these breeds.

The City Veterinarian will determine whether a dog is to be designated as a breed of pit bull in any cases of identity regarding breed of dog. If an owner desires to appeal this designation, said owner may appeal to the Council at the next regular meeting.

2. "Vicious Dog" means:

1. Any dog with the propensity, tendency or disposition to attack, to cause injury or to otherwise endanger the safety of human beings or domestic animals; or
2. Any dog that attacks a human being or a domestic animal on two or more occasions without provocation.

55.20.02 KEEPING OF PIT BULL DOGS AND VICIOUS DOGS. The keeping of pit bull dogs and vicious dogs within the City is subject to the following regulations and restrictions:

1. Leash and Muzzle. No person shall permit a pit bull or vicious dog to go outside its kennel or pen unless such dog is securely leashed with a leash no longer than four (4) feet. No person shall permit a pit bull or vicious dog to be kept on a chain, rope or other type of leash outside its kennel or pen unless a person is in physical control of the leash. Such dogs may not be leashed to inanimate objects such as trees, posts, buildings, etc. In addition, all pit bull and vicious dogs on a leash outside the animal's kennel or pen must be muzzled by a muzzling device sufficient to prevent such dog from biting persons or other animals.
2. Confinement. All pit bull and vicious dogs shall be securely confined indoors or in a securely enclosed and locked pen or kennel, except when leashed and muzzled as provided above. Such pens, kennels or structures must have secure sides with a secure top attached to the sides. All structures used to confine pit bull dogs and vicious animals must be locked with a key or combination lock while such animals are within the structure. Such structure must have a secure bottom or floor attached to the sides of the pen or the sides of the pen must be imbedded in the ground no less than two (2) feet. All structures erected to house pit bull dogs and vicious dogs must comply with all zoning and be adequately lighted and ventilated and kept in a clean and sanitary condition.
3. Confinement Indoors. No pit bull dog or vicious dog may be kept on a porch, patio or in any part of a house or structure that would allow the dog to exit such building on its own volition. In addition, no such animal may be kept in a house or structure when the windows are open or when screen windows or doors are the only obstacles preventing the dog from exiting the structure.
4. Signs. All owners, keepers or harborers of pit bull dogs and vicious dogs within the City shall display in a prominent place on their premises a sign easily readable by the public using the words "Beware of Dog." In addition, a similar sign is required to be posted on the kennel or pen of such animals.
5. Insurance. All owners, keepers or harborers of pit bull dogs or vicious dogs within the city shall provide proof to the Clerk of public liability insurance in a single incident amount of \$50,000.00 for bodily injury to or death of any person or persons or for damages to property owned by any persons which may result from the ownership, keeping or maintenance of such animal. Such insurance policy shall provide that no cancellation of the policy shall be made unless ten (10) days' written notice is first given to the Clerk.
6. Identification Photographs. All owners, keepers or harborers of pit bull dogs and vicious dogs must provide to the Clerk two color photographs (different views) of the animal clearly showing the color and approximate size of the animal.
7. Reporting Requirements. All owners, keepers or harborers of pit bull dogs and vicious dogs must within ten (10) days of the incident, report the following information in writing to the Clerk as required herein:

1. The removal from the City or death of a pit bull dog or vicious dog;
2. The birth of offspring of a pit bull dog.
3. The new address of a pit bull dog owner should the owner move within the corporate City limits.
8. Sale or Transfer of Ownership Prohibited. No person shall sell, barter, or in any other way dispose of a pit bull dog to any person within the City unless the recipient person resides permanently in the same household and on the same premises as the owner of such dog; provided that the owner of a pit bull dog may sell or otherwise dispose of a dog or the offspring of such dog to persons who do not reside within the City.
9. Animals Born of Pit Bull Dogs. All offspring born of pit bull dogs must be removed from the City within eight (8) weeks of the birth of the animal.

55.20.03 **FAILURE TO COMPLY.** It is unlawful for the owner, keeper or harbinger of a pit bull dog or vicious dog to fail to comply with the requirements and conditions set forth in this chapter. Any dog found to be the subject of a violation of this chapter shall be subject to immediate seizure and impoundment.

55.20.04 **SPECIAL PENALTY.** In addition to the standard penalty imposed for violation of any provisions of this chapter, upon conviction, the Court shall order the dog removed from the City. Should the defendant refuse to remove the dog from the City, the Magistrate shall find the defendant owner in contempt of court and order the immediate confiscation and impoundment of the animal. Each day that a violation of this chapter continues shall be deemed a separate offense. In addition to the foregoing penalties, any person who violates this chapter shall pay all expenses, including shelter, food, handling, veterinary care and testimony necessitated by the enforcement of this chapter.

SECTION 2. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. SEVERABILITY CLAUSE. If any Section, provision or part of this ordinance shall be adjudged invalid or unconstitutional such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or 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 by the Council the 11th day of June, 2007 and approve this 11th day of June, 2007.

James Bond was present to request assistance with slowing traffic down at the intersection of Scott St. and 2nd St. There are many small children living near this intersection and he is afraid of an accident. After some discussion, motion by Newton to add a stop sign for eastbound traffic on Scott St. This would cause this intersection to be a 4 way stop. 2nd by Reed. Motion carried. Susan will contact the city attorney to see about changing the ordinance regarding this.

Public hearing was held regarding the junk vehicle nuisance at 213 Maple St. Charles and Jennifer Greene were present to protest the nuisance and stated the car was not licensed but was in running order with no parts missing. After discussion, the council decided that this vehicle did not fall under the junk vehicle description of the ordinance and would not be required to be removed.

Jason White and Jeff Luther, representing Midwest Partnership were present to give an update on the organization's ongoing projects and to thank the city for its support.

Motion by Reed to approve the signing of the impound agreement between the City of Fontanelle and Al and Cindy Baldogo. 2nd by Sickles. Motion carried. They will proceed with obtaining a kennel license.

Susan provided two samples of Jake brake ordinances from the City of Akron and the City of Northwood for review. She will contact the city attorney for his input regarding this.

GENERAL		SEWER FUND	
Salaries	\$5,075.71	Salaries	\$2,259.29
Iowa Workforce Development	\$6.17	Iowa Workforce Development	\$6.72
21 st Century Coop	\$85.52	Casey's	\$108.67
Charles Gabus Ford	\$867.69	Verizon Wireless	\$23.96
1 st National Insurance Agency	\$4,337.00	Iowa Telecom	\$16.48
Banyon Data Systems	\$411.00	Alliant Energy	\$25.15
Christie Enterprises	\$81.93	Municipal Utilities	\$381.52
Law Enforcement Systems	\$122.00	Grantham Sanitation	\$16.75
Wallace Auto Supply	\$9.98	1 st National Insurance Agency	\$954.00
Radar Road Tec	\$35.00	Fontanelle Observer	\$29.37
Casey's	\$137.63	Banyon	\$211.00
Iowa Telecom	\$61.28	Barco	\$154.58
Local Link	\$39.95	Nodaway Valley Market	\$2.76
Alliant Energy	\$116.52	Postmaster	\$33.50
Grantham Sanitation	\$6.05	Petty Cash	\$25.40
Linweld	\$33.48	Matt Parrott & Sons	\$7.58
American Concrete	\$707.78	TOTAL	\$4,256.63
Liberty Mobile Ready Mix	\$396.00		
True Value	\$75.00	ELECTRIC FUND	
Municipal Utilities	\$293.25	Salaries	
Purdy Trap Line	\$50.00	Iowa Dept. of Revenue & Finance	\$1,683.00
C.R. Lawn Care	\$100.00	Iowa Workforce Development	\$15.62
Farmers Lumber	\$74.27	Missouri River Energy Services	\$75.00
Nodaway Valley Market	\$4.27	Casey's	\$239.04
Hight, Clint	\$75.00	Iowa Telecom	\$32.95
1 st National Bank	\$250.00	Verizon Wireless	\$47.91
Fontanelle Observer	\$135.91	Local Link	\$39.95
Fareway	\$9.48	Alliant Energy	\$37.73
Petty Cash	\$31.36	Grantham Sanitation	\$46.65
Postmaster	\$10.00	Municipal Utilities	104.12

Matt Parrott & Sons	\$14.94	Farmers Electric Coop	\$9.59
TOTAL	\$13,654.08	1 st National Insurance Agency	\$3,662.00
ROAD USE TAX		Fontanelle Observer	\$29.40
Salaries	\$1,138.56	Banyon	\$1,055.00
Fox Welding	\$3.50	Zimmerline, Jack	\$155.00
Municipal Utilities	\$594.03	American Concrete	\$88.47
Iowa Telecom	\$16.48	Echo	\$205.93
Alliant Energy	\$13.87	Border States Electric	\$1,224.30
Grantham Sanitation	\$3.35	Aramark	\$258.18
1 st National Insurance Agency	\$1,156.00	Iowa Assoc. of Municipal Util.	\$50.00
Barco	\$145.18	Farmers Lumber	\$16.70
Banyon	\$422.00	Iowa Utilities Board	\$51.00
21 st Century Coop	\$156.90	Postmaster	\$67.00
Agri Drain	\$236.59	Matt Parrott & Sons	\$14.92
M & S Tree Service	\$850.00	Baudier, Charlene	\$25.00
True Value	\$35.48	Dept. of Energy	\$6,000.95
Farmers Lumber	\$196.81	JPS Enterprises	\$1,400.00
Postmaster	\$10.00	IPAIT	\$9,253.14
TOTAL	\$4,978.75	TOTAL	\$27,743.52
WATER FUND		REVENUE	
Salaries	\$2,174.98	General	\$10,979.35
Iowa Workforce Development	\$7.08	Road Use Tax	\$5,004.37
Casey's	\$108.68	Employee Benefits	\$93.83
Iowa Telecom	\$32.94	Local Option Tax	\$6,018.69
Verizon	\$23.96	Meter Deposits	\$3.28
Greenfield Municipal Utilities	\$2,909.72	Debt Service	\$962.85
Alliant Energy	\$25.14	Water Fund	\$8,968.87
Municipal Utilities	\$34.59	Sewer Fund	\$5,292.03
Grantham Sanitation	\$22.00	Electric Fund	\$31,874.59
Farmers Electric Coop	\$351.41	Landfill Fund	\$975.87
1 st National Insurance Agency	\$1,336.00	TOTAL	\$70,173.74
Hight, Clint	\$75.00	METER DEPOSITS	
Fontanelle Observer	\$29.37	Municipal Utilities	\$400.00
Banyon	\$211.00	Main, Kerrie	\$151.14
Zimmerline, Jack	\$105.00	Stormer, Brian	\$0.39
Iowa Dept. of Natural Resources	\$25.00	TOTAL	\$601.53
Bigelow Welding	\$72.41	PAYROLL CLEARING	
Farmers Lumber	\$2,657.25	1 st National Bank	\$2,763.81
Nodaway Valley Market	\$5.10	Police IPERS	\$166.87
Maquire Iron, Inc.	\$1,120.00	IPERS	\$1,027.79
Postmaster	\$33.50	Lafayette Life Ins.	\$49.89
Petty Cash	\$11.51	Wellmark	\$1,760.15
Matt Parrott & Sons	\$7.48	Nationwide Retirement Solutions	\$240.00
TOTAL	\$11,379.12	TOTAL	\$6,008.51
LANDFILL FUND			
Postmaster	\$10.00		
Fontanelle Observer	\$75.00		
TOTAL	\$85.00		

Motion by Sickles to approve Jerry and Ruth Holan's building permit for a shed. 2nd by Newton. Approved.

Motion by Reed to approve the Fontanelle Bar and Grill's application for an outdoor service area for the 3rd, 4th, and 5th of July, 2007. 2nd by Warrior. Approved.

Motion by Sickles to close the square on the north, west and east side for the 4th of July celebration. 2nd by Newton. Approved.

Craig reported on the Good Samaritan Water Line progress. The plan should be mailed to the DNR this week. After their approval, the bidding process will begin.

Craig provided a bid for a power screed for \$1,629.60 from Star Equipment. Every time we run a sidewalk, we have to rent a power screed from True Value. Motion by Newton to purchase the power screed from Star Equipment. 2nd by Reed. Approved. This company also sells curb and gutter forms, but have provided no prices yet.

Departmental Reports

There was an outage early Thursday a.m., which will involve boring and casing under Hwy 92 to effect permanent repairs. The line will need replaced from Ramon Jacobson's transformer to Jerry Zimmerline's transformer. Several manholes have been raised to prepare for the street work later this month. There are 3 more sidewalk projects Craig is hoping to finish this year. They are working on shingling 2 of the shelter houses in the park and doing repair work in the park before the celebration.

Nathan provided a police department report which was reviewed. He will request help with traffic control for the parade from the Sheriff's Reserves at their meeting later this week. Nathan reported on the nuisance abatements sent out. More than half have already been cleaned up. Any not attended to will have complaints filed in District Court.

Motion by Reed to switch the City's Workman's Compensation Insurance from IMWCA to EMC

Insurance through the 1st National Insurance Agency. 2nd by Sickles. Approved.

Motion by Newton, seconded by Reed to approve the list of bills, minutes, and clerk's report. Approved.

Public Input

Scott Yarrington joined the meeting to question if the City's insurance covered the parade and festivities planned, which it does. He also mentioned a complaint regarding blown fuses during the slab supper. He was instructed that all of the roasters cannot be plugged into the same outlet without causing problems; they need to be spread out.

Reed reported problems with horse manure being left on the street.

Reed moved to adjourn the meeting at 8:40 p.m. 2nd by Sickles. Approved.

Susan R. Newton
Attest: Susan Newton, City Clerk

R. Scott Homan
R. Scott Homan, Mayor

City of Fontanelle
July 9, 2007

The Fontanelle City Council met in regular session at 7 p.m. with Mayor Homan calling the meeting to order. Council members present were: Sickles, Warrior, and Reed. Absent: Glassell, Newton. All motions are carried unanimously unless otherwise noted.

Motion by Sickles to approve the agenda as presented. 2nd by Warrior. Motion carried.

At 7:01 p.m. a public hearing was held to hear comments on the proposed Plans, Specifications, Form of contract, and estimated total cost for the 2007 City of Fontanelle Water Main Replacement. There were no comments made. The public hearing was closed.

Resolution No. 2007.10: Resolution adopting the Plans, Specifications, Form of Contract and Estimate of Cost for the 2007 City of Fontanelle Water Main Replacement Project. Reed moved and Sickles seconded to adopt Resolution 2007.10. Roll was called with the following voting Aye: Reed, Warrior and Sickles. Approved.

Myron Darringer, project manager for JEO Consulting, Inc. presented the Report of Notice to Bidders for the council's review.

Reviewed the Dept. of Natural Resource's Construction Permit application. Motion by Sickles to approve the permit for the Mayor's signature. 2nd by Warrior. Approved. Discussed option of waiting to let the project for bids after the permit is approved or going ahead with the bidding process and making any changes necessary with an addendum. It was decided to go ahead with the bidding process to speed the process along.

Motion by Warrior to approve a BB gun permit for Al Baldogo. 2nd by Sickles. Approved.

Motion by Reed to approve the burning variance for Teresa Scheel. 2nd by Sickles. Approved.

The first reading of Ordinance No. 2007.2, an ordinance amending the Code of Ordinances of the City of Fontanelle by Amending Section 62.02 to Provide for a Stop Sign at the Corner of Scott Street and 2nd Street.

Motion by Sickles to adopt the ordinance as presented. 2nd by Warrior. Roll was called with the following voting Aye: Reed, Warrior and Sickles. Approved.

Reviewed the proposed Jake Brake Ordinance as prepared by Clint Hight. The first reading will be held at the August council meeting.

Reviewed a proposal to re-codify the city's ordinances from Iowa Codification for \$3200.00. Nathan discussed re-numbering traffic codes to ease citation writing. Decision was made to hire Iowa Codification to re-codify the ordinance book.

Nathan provided a police department report which was reviewed. Discussed some problems with handicap parking at the celebration, which will be corrected with signs in the future.

Departmental Reports

Two more electric line have gone down since the last council meeting and will need to be replaced. The floor in the bandstand is rotting and Craig would like to replace it before the next celebration. Susan will be gone to a meeting Wednesday afternoon in Creston.

Motion by Reed, seconded by Sickles to approve the list of bills, minutes, and clerk's report. Approved.

GENERAL FUND		SEWER FUND	
Salaries	\$5,017.80	Salaries	\$2,671.39
1 st National Insurance Agency	\$2,446.00	1 st National Insurance Agency	\$425.00
Casey's	\$160.32	Casey's	\$61.10
21 st Century Coop	\$88.17	Verizon Wireless	\$23.96
Petty Cash	\$14.81	Iowa Telecom	\$16.92
Adair Co. Sheriff's Reserves	\$300.00	Alliant Energy	\$22.71
Radar Road Tee	\$21.00	Grantham Sanitation	\$16.75
Fontanelle Drug	\$36.93	Municipal Utilities	\$287.34
Iowa Telecom	\$60.90	Fontanelle Drug	\$37.12
Local Link	\$39.95	Office Machines	\$23.12
Alliant Energy	\$34.35	Central Iowa Hospital Corp.	\$18.28
Grantham Sanitation	\$6.05	Hygienic Laboratory	\$195.00
Linweld	\$32.40	Farmers Lumber	\$39.88
Farmers Lumber	\$43.82	Nodaway Valley Market	\$4.83
True Value	\$60.00	McMorran Lawn Service	\$589.00
American Concrete	\$1,197.06	Brown Supply Co.	\$228.00
Star Equipment	\$1,667.40	Blacktop Service	\$301.80
Municipal Utilities	\$823.56	Petty Cash	\$46.78