

City of Camanche  
July 6, 2023

The City Council of the City of Camanche, Iowa met in regular session July 6, 2023, at 6:00 p.m. at Camanche City Hall. Present on roll call: Mayor Pruett presiding, and Council members Bowman, Schnoor and Varner. Absent: Council members Determann and Weller. Also present were City Attorneys Randy Current and John Frey, City Administrator Andrew Kida and Department Heads Evans, Schmitz, Schutte and Schneider, Sergeant Plozel and Building Inspector Teagarden.

A moment of silent prayer was observed. Mayor Pruett led the Pledge of Allegiance.

Mayor Pruett opened a Public Hearing for the Proposed Sale of Real Estate Located Behind the Camanche Public Works Salt Shed Consisting of the Southwesterly 12'x160', Block 1 in the City of Camanche to Mid-American Energy Company for the Sum of \$1,000.00 at 6:01 p.m. In the absence of public comments, Mayor Pruett close the Public Hearing at 6:02 p.m.

Visitor Brenda Larkey addressed the Council regarding Camanche Days. This year's Grand Marshalls are Robert and Stacy Reppert. She thanked the Council for their support and said they are still rebuilding after the COVID years. She noted that prices are going up and volunteerism is declining. She said the City has helped with insurance in the past; last year the cost was \$2,100. She hoped they could count on the City for support again this year as the support really helps. Councilman Varner said the Camanche Days Committee does a great job every year.

Moved by Councilman Bowman second by Councilman Varner, to approve the agenda. On roll call – all Ayes.

Mayor Pruett called for Public Comments on Agenda Topics. There were none.

Moved by Councilman Varner, second by Councilman Bowman to approve the Consent Agenda, which covered the following: Approve minutes from the Council meeting held on June 20, 2023; approve Abstract No. 827 which includes the following:

ALLIANT ENERGY	GAS SERVICE	578.57
CAMANCHE VOL FIRE DEPT	MONTHLY MAINTENANCE	500.00
CAMANCHE WATER WORKS	2ND QTR 2023 WATER/SEWER BILLS	596.46
CENTER POINT LARGE PRINT	LARGE PRINT BOOKS	24.67
CLERK'S PETTY CASH FUND	PD-TRAVEL/TRNING,MEALS,POSTAGE	179.75
CLINTON HERALD	LEGAL PUBLICATIONS	591.20
CLINTON PRINTING COMPANY	DOOR HANGERS,NOTARY-WATER DPT	95.00
CLINTON NATIONAL BANK	FED/FICA TAX WITHHOLDING	12,591.11
COLLECTION SERVICES CTR	GARNISHMENT	162.00
E C I A	MEMBERSHIP DUES FY24 1ST INSTL	1,690.90
EMER MEDICAL PRODUCTS INC	AMBULANCE SUPPLIES	440.06
GATEWAY UNITED WAY	UNITED WAY DEDUCTIONS	48.00
HOME DEPOT CREDIT SERVICE	FLAG LIGHT-LIB,BIKE PATH LIGHTS	241.63
IOWA LEAGUE OF CITIES	MEMBER DUES 7/1/23-6/30/24	2,806.00
IOWA ONE CALL	124 ONE CALL LOCATES	111.60
IOWA LAW ENFORCEMENT	MMPI EVALUATION	150.00
INGRAM BOOK COMPANY	BOOKS/DVDS	567.75
VOYA	457 PLAN DEDUCT	2,014.00
IPERS	IPERS	10,002.14
LECTRONICS INC	ALARM SERVICE-CITY HALL	30.00
MASTERCARD	PD, FD, CH,LIB TRAINING,SUPPLIES	3,447.68
MEDIACOM	INTERNET	450.00
MERCY MEDICAL CENTER-CLIN	MAY 23 PHARMACEUTICALS	88.00
A. C. MCCARTNEY	KEY SWITCH-MASSEY TRACTOR	49.85
MIDAMERICAN ENERGY CO	ELECTRIC SERVICE	3,534.87
MUNICIPAL FIRE & POLICE	MUNICIPAL PENSION	12,010.24
PRESTO-X-COMPANY	PEST CTRL-CCTR,LIB,CHALL,HIST BLDG	204.34

LIFE INSURANCE	LIFE INSURANCE PREMIUMS	1,290.53
QC ANALYTICAL SERVICES	SAMPLE ANALYSIS	105.00
QUILL CORPORATION	LIBRARY SUPPLIES	274.53
RICHARD SCHMITZ JR	REIMBURSE BOOT ALLOWANCE	200.00
SHERWIN-WILLIAMS	CURB PAINT	879.26
KELLI ELLIOTT	TOLLS TO/FROM AURORA-PD TRAIN.	35.00
THE LIBRARY STORE	DATE DUE SLIPS-LIBRARY	135.37
TREASURER STATE OF IOWA	STATE WITHHOLDING TAXES	4,977.56
US CELLULAR	PD CELL PHONES,MOBILE 311 DATA	611.85
PAUL VARNER	MILEAGE-CCASWA MEETINGS MA-JN	112.66
HAWKINS INC	145 GAL AZONE, 70 GAL LPC	2,967.38
DARYL YODER	REIMBURSE WELLNESS (BALANCE)	19.70
1ST GATEWAY CREDIT UNION	UNION DUES DEDUCTIONS	240.00
QUAD CITY SAFETY	VIZCON TYPE III BARRICADES,CONES	1,752.16
WINDSTREAM	PHONE/LONG DISTANCE	300.47
CENTURYLINK	TELEPHONE EXPENSE	114.28
XOP NETWORKS	FIREBAR SERVICE 7/1/23-9/30/23	779.00
RJ EDENS RENTAL PROPERT	TIF PMT-EDENS 9 <sup>TH</sup> -9 <sup>TH</sup> ,3RD ST,4TH	32,783.38
ANNA EVANS	REIMBURSE CLOTHING ALLOWANCE	300.00
OVERDRIVE	FY2024 BRIDGES EBOOK CONTENT	1,259.70
BLUE CROSS BLUE SHIELD	HEALTH INSURANCE PREMIUMS	21,612.52
AFLAC	AFLAC - PRETAX DEDUCTIONS	500.40
AMAZON	LIBRARY SUPPLIES, BOOKS/DVDS	2,027.44
CONTINUOUS TOUCH, LLC	SIP TRUNKING	149.01
FIRE TEXTRESPONSE LLC	SUBSCRIPTION-TEXT ALERT MSGING	500.00
SPARKLEAN	JUNE 2023 CLEAN-CCTR,CHALL,LIB,PW	1,110.00
HSA ACCOUNTS	HSA- EMPLOYEES	1,512.76
MOBILE TEAM TRAIN UNIT IV	MEMBERSHIP DUES FY2024	680.00
TONI SCHNEIDER	REIMBURSE CLOTHING ALLOWANCE	83.85
REPUBLIC SERVICES	JUNE 23 CITY COLLECTION;JULY 23 PW	31,093.90
NEW LIFE COMPUTERS	LIBRARY-FIX MICROSOFT OFFICE	60.00
SPARKS SMALL ENGINE	STIHL KM131R BRUSH-PARKS MULCH	849.59
KLOCKE'S EMERGENCY VEHICL	RUB RAIL-AMBULANCE REPAIR	174.51
CORY SNODGRASS	REIMBURSE EYE EXAM	85.00
MIDWEST GROUP BENEFITS	WEEKLY CLAIMS	5,989.20
JACOB VANZUIDEN	REIMBURSE SAFETY GLASSES	100.00
CROSS ROADS LAND DEV	TIF PAYMENT-EAST RIVER COURT	5,562.81
LEXIPOL	POLICEONE ACADEMY ANNUAL RATE	917.73
NTOA	ANNUAL MBRSHP RENEW-CH SCHMITZ	50.00
CINTAS	TOWELS,RUGS-PW,CH;UNIF-PEWE	100.84
AWESOME CAR WASH	APR-MAY-JUN PD FLEET WASHES	180.00
FORMAX	12 MONTH SVC AGREEMENT-FOLDER	766.00
RAINBOW OF THE HEARTLAND	CENTRAL PARK BASKETBALL HOOPS	5,358.00
TECH SOUP	REBOOT RESTORE RX PRO 5 LIBRAR	32.00
SHAUNA TEGELER	REIMBURSE WELLNESS	146.78
MULGREW OIL & PROPANE CO.	958.8G DIESEL-WELL 5 PFAS	4,253.30
DEPOSIT REFUNDS	REFUND DATE 06/27/2023	198.14
PAYROLL CHECKS	PAYROLL CHECKS ON 06/23/2023	51,535.50
PAYROLL CHECKS	PAYROLL CHECKS ON 07/01/2023	6,574.93
	CLAIMS TOTAL	244,547.86
	GENERAL FUND	111,438.19
	LIBRARY FUND	12,097.28
	PARKS FUND	8,147.46
	CEMETERY FUND	3,730.65
	ROAD USE FUND	14,639.24
	EDENS - TIF FUND	32,783.38
	CROSS TIF FUND	5,562.81
	ARP-AMERICAN RESCUE PLAN FUND	139.92
	PFAS FUND	2,953.54
	WATER UTILITY FUND	16,663.24

SEWER UTILITY FUND	4,628.87
LANDFILL/GARBAGE FUND	31,763.28

Receive, accept and place on file draft minutes from the Park and Recreation Commission meetings on June 12, 2023 and June 26, 2023; Approve payment of Dorsey & Whitney, LLP invoice for 2021 Commercial Urban Renewal Area Legal Services Rendered \$7,378.00; Approve Pay Application #7 from Hawkeye Paving Corp for the Roundabout \$26,638.60; Approve payment of Core Vens invoices for Work Comp Audit \$67,204.00 and General Liability Audit \$591.00; Approve Change Order One, 9<sup>th</sup> Street Reconstruction from Manatt's \$4,647.50; Approve Pay Application #1, 9<sup>th</sup> Street Reconstruction from Manatt's \$275,419.44; Receive, accept and place on file draft minutes of the Library Board meeting on June 7, 2023. On roll call – all Ayes.

Mayor Pruettt read the First Reading of an Ordinance amending Title 2 Chapter 4 Salaries of Administrative Officers. This Ordinance amendment reflects changes to Council and Mayor pay discussed at the meeting on March 7, 2023, increasing Council pay from \$600 per year to \$1,200 per year and Mayor pay from \$3,000 per year with a \$300 annual expense allowance to \$4,000 per year with a \$500 annual expense allowance for each official elected after November 7, 2023.

Moved by Councilman Bowman, second by Councilman Varner to approve the First Reading of an Ordinance amending Title 2 Chapter 4 Salaries of Administrative Officers. On roll call – Ayes – Councilmen Varner, Schnoor, Bowman. Nays – None. Absent – Councilmen Weller and Determann.

Moved by Councilman Bowman, second by Councilman Schnoor to Adopt a Resolution approving the sale of the southwesterly 12's160' of Lot 14, Block 1 in the City of Camanche to Mid-American Energy Company for the Sum of \$1,000.00. On roll call – all Ayes.

City Administrator Kida said the Planning and Zoning Commission will be meeting on Tuesday to discuss sign regulations and make a recommendation to Council. A Public Hearing will be held and then the three readings of the Ordinance amendment will occur.

Moved by Councilman Bowman, second by Councilman Varner to Adopt a Resolution calling for a Public Hearing to amend Ordinance 18.60-C Sign Supplemental Regulation of the Zoning Ordinance. On roll call – all Ayes.

Moved by Councilman Bowman, second by Councilman Schnoor to Adopt a Resolution calling for a Public Hearing to enter into an easement agreement with Mid-American Energy on property located at 400 9<sup>th</sup> Avenue, Camanche, Iowa. On roll call – all Ayes.

The Board of Adjustments Variance decision for Kenny and Lori Dierks 400 16<sup>th</sup> Place was next on the Agenda. Councilman Bowman, the liaison for the Board, spoke on the item. He expressed his disappointment in the decision by the Board of Adjustments to extend this variance up here, in conflict with the advice given by the legal team during the Board of Adjustments meeting. He stated that he has no quarrel with the homeowners trying to make an improvement on their property. They want to add an addition to an outbuilding on their property that is very close to the maximum size and the addition would put it over, so by ordinance, we could not give them the permit so they went to the Board of Adjustments. The Board of Adjustments' power is delineated in Iowa State Code, which includes the words "unnecessary hardship" which could be interpreted in a number of ways. The interpretation is done for us by the Supreme Court of Iowa, and Councilman Bowman cited cases, one going back 60 years where the standard for unnecessary hardship is a very high standard. In their decision, the Supreme Court stated that if the applicant does not make the required unnecessary hardship showing, granting the variance is an illegal act by the Board. Those words were given to our Board of Adjustments by our legal team. The quote from the Chairperson of the Board of Adjustments was "I don't care if someone thinks it's illegal, I make a motion to approve this variance." We can't have a governing Board of this City acting in direct conflict of State Statute and the advice of our legal team. To approve the variance is, in fact, an illegal act because the standard is so high. What the State Supreme Court is telling us with these interpretations of the Statute is very simply if we don't like the way our Ordinance is written, we need to get it changed. The recommendation from the Board of Adjustment should have

been, they should have denied the variance and sent the homeowners to Planning and Zoning to see about getting the Ordinance changed to get an outbuilding that is bigger than what our current Ordinance allows. Our Ordinance tells us that we cannot deny what the Board of Adjustments approved. What we have to do is remand it back to the Board of Adjustments. If the Board of Adjustments insists on sending it back after that, we have to go to District Court. I would really rather not go there. So, I am going to ask for a couple things. One I want an agenda item at the next meeting to discuss the performance of the Board of Adjustments, and also, he made a motion to remand this back to the Board of Adjustments. Councilman Schnoor said he understood where the Board was coming from, saying they didn't know anything about this and it put them in a bad place too. It was pointed out that the Board receives a packet in advance of the meeting with all the necessary information. Schnoor said it's a tough situation and asked how long it would take to make the changes. Mayor Pruett and Kida explained the process and said it would take a few weeks. Councilman Varner said he read the Supreme Court decision and it is very concise and very accurate and if we were to approve this, we, too would be subject to a legal fight and we can't do that; I cannot allow that to happen. I am not going to do something illegal on behalf of the City. Councilman Bowman read the definition; it is a very high standard. City Attorney Current said that Councilman Bowman did a fine job of explaining everything. He said there are three findings of fact from the notes from the Board of Adjustments meeting that are contrary to the actual facts. The BOA notes say the circumstances are unique. Current does not think it is unique, even though the property is odd-shaped; they can build a 1,000 ft outbuilding on this property. The BOA notes say the granting of this variance will not confer upon the applicant a special privilege that is denied by the Zoning Ordinance to other lands, structures or buildings in the same zoning district and Current believes this is an incorrect statement of fact. Third, the BOA notes say that an undue or unnecessary hardship exists as defined by case law. Again, Current does not believe that it does. The Dierks' have the full ability to use their property. So, there are at least three incorrect findings by the BOA that cannot be supported by the facts. By remanding, this puts everything on hold for 30 days and no permit can be issued. If the Board of Adjustments approves the variance again, the Council has to challenge it in court.

Moved by Councilman Bowman, second by Councilman Varner to remand the Variance decision for Kenny and Lori Dierks 400 16<sup>th</sup> Place back to the Board of Adjustments. On roll call – all Ayes.

Next on the agenda is opening bids for the Case Tractor. No bids were received.

Chief Schmitz addressed the Council regarding the 28E Agreement between the City of Camanche and the Camanche School District for the School Resource Officer. He said the current agreement covers 2029 through June 30, 2024. He met with Superintendent Parker and they agreed upon the new agreement that covers the period July 1, 2024 through June 30, 2029. It has been a great program and he is asking Council for their continued support. Councilman Schnoor asked if we are pretty set with the person over there. Chief Schmitz said Officer Snodgrass is attending trainings this month and next.

Moved by Councilman Bowman, second by Councilman Varner to Approve the 28E Agreement between the City of Camanche and the Camanche School District for School Resource Officer. On roll call – all Ayes.

Councilman Bowman asked about the landscaping at the roundabout; there are a lot of weeds. The DOT has been contacted, we will take care of this. Bowman also talked about the noise of the generator at well 5, asking when we will be put on the 400-amp service. Kida said the generator is for the temporary pump. There was a meeting with Shive today; MidAmerican and Leslie Electric are working on this. Bowman asked if a letter could be sent to the residents around well 5 and if we could put up some type of sound barrier. He also asked who owned the Library dock, it is corroded; Kida said it is the City. We had it evaluated and can be a part of the Capital Improvement Plan. Mayor Pruett asked if the summer help could repaint the railings.

Mayor Pruett called for Public Comments. Lori Dierks spoke. She said that unfortunately, due to technical difficulties it was not recorded so she just wanted to add, she didn't want you to think your Chairman was letting you down. She thinks the comment he

made was he was going to get a lot of flack for this but due to several other circumstances I'm going to motion it forward. She just kind of wanted, it was kind of like hearsay, unfortunately you can't play it back because it was not recorded. Due to the hardship, we do have a pie-shaped lot. But there was other things, this was our third time submitting it and unfortunately it wasn't forward properly all three times even to this square footage that our property consisted in the back was wrong and had to be corrected so I hope you do talk to your Chairman and you guys do come together. I do appreciate your time. Let's get the Ordinance changed for other people, because there's a lot of people been wanting to build. I have a pool, I'd like to have more shade. And that's what I want to use it for, entertainment. That's what it was intended for. No businesses, no painting cars, just being truthful. I just wish we had the internet. Kida explained there is no requirement to have the meeting recorded.

There were no other public comments.

Mayor Pruett adjourned the meeting at 6:44 p.m.

Austin Pruett  
Mayor

Toni Schneider  
City Clerk/Treasurer