

Minutes City of Mechanicsville  
REGULAR COUNCIL MEETING  
September 13, 2021

The Mechanicsville City Council met in regular session on Monday, September 13, 2021 at 6:30 p.m. at 102 N John Street, Mechanicsville. Mayor Andrew Oberbreckling called the meeting to order at 6:30 p.m. Council members present for roll call were Amy Bishop, Adam Paidar, Denice Dochterman, and Laura Yost. Jennifer Lester was absent. Others present included Rick Scott, Josh Miller, Will Wagner, Meredith Dehmer, Lonni Koch, Pat Albaugh, Donna Paup, Nancy Kainz, Adam Sandberg, Katie Kash, Tracy Miller, and Jean Miller.

**CONSENT AGENDA:**

Amy Bishop motioned, Adam Paidar seconded to approve the consent agenda including the agenda, the minutes from 8/9/21; finance reports, and claims including pay application #3, the Annual Urban Renewal Report for FY 2020-2021, Annual Financial Report for FY21, and the Annual Street Finance Report. Roll call vote: Ayes: Bishop, Paidar, Dochterman, and Yost. Nays: None. Lester absent. Motion carried.

The claims approved were as follows:

ACCO	CHEMICALS	\$236.90
ACE HARDWARE	MINOR EQUIPMENT	\$102.94
AGVANTAGE FS INC	OPERATING SUPPLIES	\$1,190.70
ALLIANT ENERGY	ELECTRIC/GAS EXPENSE	\$5,517.39
AMAZON.COM	LIBRARY MATERIALS	\$2,410.49
BADGER METER	OTHER CONTRACTUAL SERVICE	\$2.10
BANKERS BANK	GROUNDS MAINTENANCE & REPAIR	\$20.37
BANOWETZ LUMBER COMPANY INC	BLDG MAINT & REPAIR	\$1,293.36
BILL BRUCE BUILDERS INC	OTHER CAPITAL EQUIP	\$25,555.00
CARDENAS, CHRISTIAN	MEETINGS & CONFERENCES	\$112.50
CASEYS GENERAL STORE	VEHICLE OPERATIONS	\$948.82
CEDAR COUNTY SOLID WASTE	PAYMENTS TO OTHER AGENCIES	\$1,530.00
CEDAR COUNTY TREASURER	TAX EXPENSE	\$550.00
CHASE CARD SERVICES	POSTAGE/SHIPPING	\$211.20
CJ COOPER & ASSOCIATES INC	MEDICAL/WELLNESS EXPENSE	\$35.00
COPPESS, LINDA	TELECOMMUNICATIONS	\$30.00
CRESCENT ELECTRIC SUPPLY CO	BLDG MAINT & REPAIR	\$3,437.50
DEMCO	OFFICE SUPPLIES	\$86.81
ECIA	OTHER PROF SERV EXP	\$719.98
ENTWISLE, ANGIE	JANITORIAL EXPENSE	\$690.00
FLUENT EMS INC	OTHER CONTRACTUAL SERVICE	\$596.85
HACH COMPANY	MINOR EQUIPMENT	\$483.95
IOWA CODIFICATION, INC	OTHER PROF SERV EXP	\$1,061.00
JOHN DEER FINANCIAL	MINOR EQUIPMENT	\$63.95
KIECKS	ALLOWANCES - UNIFORMS	\$87.95
LISBON-MT VERNON AMBULANCE	OTHER PROF SERV EXP	\$400.00
LYNCH FORD	VEHICLE REPAIR	\$312.96
MACQUEEN EQUIPMENT	VEHICLE REPAIR	\$30.52
MECHANICSVILLE TELEPHONE CO	TECHNOLOGY SERVICES EXP	\$421.40
MID IOWA SOLID WASTE	VEHICLE REPAIR	\$680.52

OVERDRIVE	SUBSCRIPTION & ED MATERIAL	\$506.28
OVESON REFUSE & RECYCLING LLC	OTHER PROF SERV EXP	\$3,150.00
PAIDAR, DAN	MEETINGS & CONFERENCES	\$95.40
QUILL	OFFICE SUPPLIES	\$11.99
ROTO-ROOTER	OTHER PROF SERV EXP	\$860.00
SANDRY FIRE SUPPLY LLC	MINOR EQUIPMENT	\$305.63
SCHEER, STEVE	OTHER PROF SERV EXP	\$1,800.00
SCOTT MOFFIT	VEHICLE REPAIR	\$1,555.42
SCOTT, RICKY	TELECOMMUNICATIONS	\$30.00
STATE HYGIENIC LABORATORY	OTHER PROF SERV EXP	\$491.00
STITCH TOGETHER, LLC	OTHER CONTRACTUAL SERVICE	\$400.00
THOMAS & CLARK LLC	LEGAL EXPENSE	\$840.00
TIPTON CONSERVATIVE & ADVERTIS	PRINTING & PUBLISHING EXP	\$299.90
UNITY POINT HEALTH	OPERATING SUPPLIES	\$69.90
US CELLULAR	TELECOMMUNICATIONS	\$106.56
USA BLUEBOOK	POSTAGE/SHIPPING	\$43.46
VEENSTRA & KIMM	ENGINEERING EXPENSE	\$8,635.74
WELLMARK BC BS	GROUP INSURANCE	\$6,273.26
WENDLING QUARRIES INC	STREET MAINT EXP	\$150.06
KOCHS SERVICE & SUPPLY LLC	BLDG MAINT & REPAIR	\$3,546.42
WALNUT CREEK CONSTRUCTION	GROUNDS MAINTENANCE & REPAIR	\$6,937.50
PAYROLL	WAGES	\$14,930.20

**Total Receipts and Disbursements for month of August by fund**

Fund	Receipts	Disbursements
General	4232.80	89,906.50
Road Use Tax	10,646.90	4,683.43
Employee Benefit		3,142.41
Local Option Sales Tax	10,624.90	
Library Trust Fund	38.58	
Ballpark Fund		866.92
Ambulance Trust	889.65	512.34
Debt Service	3.73	
Perpetual Care		
Water Utility	7,448.14	4,995.08
Sewer Utility	109,774.42	49,480.07
Solid Waste	10,453.29	5,313.06
Storm Water Utility	1,049.36	
Water Deposits	100.00	

**Receive visitors/public comment:** None.

**REPORTS:**

**Ambulance Report:** Ambulance had 16 calls for the month. Shared newspaper article from Tipton Conservative regarding possibility for county wide ambulance funding in the future.

**Fire Report:** Fire had 13 calls for the month, planning to have pancake breakfast Oct 10 and hose testing will be done during training. Fire Convention September 7 -12 at Grinnell.

**Police Report:** Police reported 8 agency assists, 34 business checks; 1 domestic disturbance, 2 extra patrol, 1 fingerprinting, 1 fireworks, 6 follow up, 1 harassment, 3 medical assist, 1 mental health, 3 miscellaneous; 6 motorist assist; 1 motor vehicle accident; 18 nuisance, 6 parking; 13 speak with officer; 1 suspicious activity; 1 theft; 25 traffic stops, 29 warnings; 1 citation, 1 arrests; 2 vehicle unlock, 1 no contact violation, 1 warrant check, 9 call outs.

**Public Works Report:** Continue to do mowing, cleaning stones at cemetery, LL Pelling should finish the seal coating tomorrow, getting plows and trucks ready for winter, tires will be put on tomorrow, lagoon area is getting cleaned up. Amy Bishop motioned, Adam Paidar seconded to approve purchase of the mower for \$13,999 to avoid price increase. Some discussion on sewer being plugged on No Name street with grease and required Roto Rooter to unplug and then use vac truck to clean out. Residents are encouraged not to dump grease down the sewer drains.

**Administration report:** Reported that the additional play equipment for the park is scheduled to arrive this week and the lights have been installed in the fire station bay area.

**New business discussion and possible action on:**

**Renew Group Health Insurance:** Scott Schroeder presented information on the renewal for the group health insurance. Amy Bishop motioned, Adam Paidar seconded to renew the grandfathered plan. Ayes all. Motion carried.

**Walking Trail at school/ball park matching Wellmark grant \$25,000:** Katy Kash presented an update on the Children's Walking Trail which included the school being awarded a \$25,000 Wellmark Foundation grant and plans to match it. A banner will be posted soon about the upcoming trail. The trail will be 6 feet wide and 6 inches thick in order to accommodate snow removal, maintenance to ball diamonds, and lighting. The total length of the trail is expected to be 2,763 feet long. The grant needs to be completed by December of 2022.

**Request to install railing with cement pad near handicap parking space on John Street:** Cullen Wood requested permission to install a railing similar to the ones on the North side of E First Street. Adam Paidar motioned, Denice Dochterman seconded to approve the request at no cost to the city. Ayes all. Motion carried.

**Code update for 2021 Legislative Changes:** Amy Bishop motioned, Adam Paidar seconded, to approve the first reading of the following ordinances:

**ORDINANCE 321 AMENDING THE CODE OF ORDINANCES OF THE CITY OF MECHANICSVILLE, IOWA, BY AMENDING PROVISIONS PERTAINING TO PUBLIC DISORDER**

Be It Enacted by the City Council of the City of Mechanicsville, Iowa:

**SECTION 1. SECTION MODIFIED.** Section 40.03 of the Code of Ordinances of the City of Mechanicsville, Iowa, is repealed and the following adopted in lieu thereof:

**40.03 DISORDERLY CONDUCT.** No person shall do any of the following:

1. Fighting. Engage in fighting or violent behavior in any public place or in or near any lawful assembly of persons, provided that participants in athletic contests may engage in such conduct that is reasonably related to that sport.

*(Code of Iowa, Sec. 723.4[1a])*

2. Noise. Make loud and raucous noise in the vicinity of any residence or public building which intentionally or recklessly causes unreasonable distress to the occupants thereof.

*(Code of Iowa, Sec. 723.4[1b])*

3. Abusive Language. Direct abusive epithets or make any threatening gesture that the person knows or reasonably should know is likely to provoke a violent reaction by another.

*(Code of Iowa, Sec. 723.4[1c])*

4. Disrupt Lawful Assembly. Without lawful authority or color of authority, disturb any lawful assembly or meeting of persons by conduct intended to disrupt the meeting or assembly.

*(Code of Iowa, Sec. 723.4[1d])*

5. False Report of Catastrophe. By words or action, initiate or circulate a report or warning of fire, epidemic, or other catastrophe, knowing such report to be false or such warning to be baseless.

*(Code of Iowa, Sec. 723.4[1e])*

6. Disrespect of Flag. Knowingly and publicly use the flag of the United States in such a manner as to show disrespect for the flag as a symbol of the United States, with the intent or reasonable expectation that such use will provoke or encourage another to commit trespass or assault. As used in this subsection:

*(Code of Iowa, Sec. 723.4[1f])*

A. “Deface” means to intentionally mar the external appearance.

B. “Defile” means to intentionally make physically unclean.

C. “Flag” means a piece of woven cloth or other material designed to be flown from a pole or mast.

D. “Mutilate” means to intentionally cut up or alter so as to make imperfect.

E. “Show disrespect” means to deface, defile, mutilate, or trample.

F. “Trample” means to intentionally tread upon or intentionally cause a machine, vehicle, or animal to tread upon.

7. Funeral or Memorial Service. Within 1,000 feet of the building or other location where a funeral or memorial service is being conducted, or within 1,000 feet of a funeral procession or burial:

A. Make loud and raucous noise that causes unreasonable distress to the persons attending the funeral or memorial service or participating in the funeral procession.

B. Direct abusive epithets or make any threatening gesture that the person knows or reasonably should know is likely to provoke a violent reaction by another.

C. Disturb or disrupt the funeral, memorial service, funeral procession, or burial by conduct intended to disturb or disrupt the funeral, memorial service, funeral procession, or burial.

This subsection applies to conduct within 60 minutes preceding, during, and within 60 minutes after a funeral, memorial service, funeral procession, or burial.

**ORDINANCE 322 AMENDING THE CODE OF ORDINANCES OF THE CITY OF MECHANICSVILLE, IOWA, BY AMENDING PROVISIONS PERTAINING TO PEDDLERS, SOLICITORS, AND TRANSIENT MERCHANTS**

Be It Enacted by the City Council of the City of Mechanicsville, Iowa:

**SECTION 1. SUBSECTION ADDED.** Section 122.17 of the Code of Ordinances of the City of Mechanicsville, Iowa, is amended by adding a new subsection which is hereby adopted to read as follows:

7. Minor Businesses. An on-site transactional business traditionally operated exclusively by a person under the age of 18, operated on an occasional basis for no more than 89 calendar days in a calendar year.

**ORDINANCE 323 AMENDING THE CODE OF ORDINANCES OF THE CITY OF MECHANICSVILLE, IOWA, BY AMENDING PROVISIONS PERTAINING TO ALCOHOLIC BEVERAGE CONTROL**

Be It Enacted by the City Council of the City of Mechanicsville, Iowa:

**SECTION 1. SUBSECTION MODIFIED.** Subsection 2 of Section 120.05 of the Code of Ordinances of the City of Mechanicsville, Iowa, is repealed and the following adopted in lieu thereof:

2. Sell or dispense any alcoholic beverage on the premises covered by the license or permit, or permit its consumption thereon between the hours of 2:00 a.m. and 6:00 a.m. on a weekday, and between the hours of 2:00 a.m. on Sunday and 6:00 a.m. on the following Monday; however, a holder of a liquor control license or retail wine or beer permit granted the privilege of selling alcoholic liquor, wine, or beer on Sunday may sell or dispense alcoholic liquor, wine, or beer between the hours of 6:00 a.m. on Sunday and 2:00 a.m. of the following Monday, and further provided that a holder of any class of liquor control license or the holder of a Class “B” beer permit may sell or dispense alcoholic liquor, wine, or beer for consumption on the premises between the hours of 6:00 a.m. on Sunday and 2:00 a.m. on Monday when that Monday is New Year’s Day and beer for consumption off the premises between the hours of 6:00 a.m. on Sunday and 2:00 a.m. on the following Monday when that Sunday is the day before New Year’s Day.

**ORDINANCE 324 AMENDING THE CODE OF ORDINANCES OF THE CITY OF MECHANICSVILLE, IOWA, BY ADDING PROVISIONS PERTAINING TO LOW-SPEED ELECTRIC BICYCLES AND FULLY CONTROLLED-ACCESS FACILITIES**

Be It Enacted by the City Council of the City of Mechanicsville, Iowa:

**SECTION 1. SUBSECTIONS ADDED.** Section 62.01 of the Code of Ordinances of the City of Mechanicsville, Iowa, is amended by adding new subsections which are hereby adopted to read as follows:

148. Section 321.235B – Low-speed electric bicycles.

149. Section 321.366 – Acts prohibited on fully controlled-access facilities.

**ORDINANCE 325 AMENDING THE CODE OF ORDINANCES OF THE CITY OF MECHANICSVILLE, IOWA, BY AMENDING PROVISIONS PERTAINING TO ABANDONED VEHICLES**

Be It Enacted by the City Council of the City of Mechanicsville, Iowa:

**SECTION 1. SECTIONS MODIFIED.** Sections 80.03 and 80.04 of the Code of Ordinances of the City of Mechanicsville, Iowa, are repealed and the following adopted in lieu thereof:

**80.03 NOTICE BY MAIL.**

1. A police authority or private entity that takes into custody an abandoned vehicle shall send notice by certified mail that the vehicle has been taken into custody no more than 20 days after taking custody of the vehicle. Notice shall be sent to the last known address of record of the last known registered owner of the vehicle, all lienholders of record, and any other known claimant to the vehicle.
2. Notice shall be deemed given when mailed. The notice shall include all of the following:
  - A. A description of the year, make, model, and vehicle identification number of the vehicle.
  - B. The location of the facility where the vehicle is being held.
  - C. Information for the persons receiving the notice of their right to reclaim the vehicle and personal property contained therein within 10 days after the effective date of the notice. Persons may reclaim the vehicle or personal property upon payment of all towing, preservation, and storage charges resulting from placing the vehicle in custody and upon payment of the costs of the notice required pursuant to this section.
  - D. A statement that failure of the owner, lienholders, or claimants to exercise their right to reclaim the vehicle or personal property within the time provided shall be deemed a waiver by the owner, lienholders, and claimants of all right, title, claim, and interest in the vehicle or personal property.
  - E. A statement that failure to reclaim the vehicle or personal property is deemed consent for the police authority or private entity to sell the vehicle at a public auction or dispose of the vehicle to a demolisher and to dispose of the personal property by sale or destruction.
3. If the abandoned vehicle was taken into custody by a private entity without a police authority's initiative, the notice shall state that the private entity may claim a garage keeper's lien as described in Section 321.90, Subsection 1, of the *Code of Iowa*, and may proceed to sell or dispose of the vehicle.
4. If the abandoned vehicle was taken into custody by a police authority or by a private entity hired by a police authority, the notice shall state that any person claiming rightful possession of the vehicle or personal property who disputes the planned disposition of the vehicle or personal property by the police authority or private entity or of the assessment of fees and charges provided by this section may ask for an evidentiary hearing before the police authority to contest those matters.
5. If the persons receiving notice do not ask for a hearing or exercise their right to reclaim the vehicle or personal property within the 10-day reclaiming period, the owner, lienholders, or

claimants shall no longer have any right, title, claim, or interest in or to the vehicle or the personal property.

6. A court in any case in law or equity shall not recognize any right, title, claim, or interest of the owner, lienholders, or claimants after the expiration of the 10-day reclaiming period.

7. If it is impossible to determine with reasonable certainty the identities and addresses of the last registered owner and all lienholders, notice by one publication in one newspaper of general circulation in the area where the vehicle was abandoned shall be sufficient to meet all requirements of notice under Subsection 2 of this section. The published notice may contain multiple listings of abandoned vehicles but shall be published within the same time requirements and contain the same information as prescribed for mailed notice in Subsection 2 of this section.

*(Code of Iowa, Sec. 321.89[3])*

**80.04 RECLAMATION OF ABANDONED VEHICLES.** Prior to driving an abandoned vehicle away from the premises, a person who received or who is reclaiming the vehicle on behalf of a person who received notice under Section 80.03 shall present to the police authority or private entity, as applicable, the person's valid driver's license and proof of financial liability coverage as provided in Section 321.20B of the *Code of Iowa*.

**ORDINANCE 326 AMENDING THE CODE OF ORDINANCES OF THE CITY OF MECHANICSVILLE, IOWA, BY AMENDING PROVISIONS PERTAINING TO INTERFERENCE WITH OFFICIAL ACTS**

Be It Enacted by the City Council of the City of Mechanicsville, Iowa:

**SECTION 1. SECTION MODIFIED.** Section 41.05 of the Code of Ordinances of the City of Mechanicsville, Iowa, is repealed and the following adopted in lieu thereof:

**41.05 INTERFERENCE WITH OFFICIAL ACTS.** No person shall knowingly resist or obstruct anyone known by the person to be a peace officer, jailer, emergency medical care provider under Chapter 147A of the *Code of Iowa*, medical examiner, or firefighter, whether paid or volunteer, or a person performing bailiff duties pursuant to Section 602.1303[4] of the *Code of Iowa*, in the performance of any act that is within the scope of the lawful duty or authority of that officer, jailer, emergency medical care provider, medical examiner, or firefighter, or person performing bailiff duties, or shall knowingly resist or obstruct the service or execution by any authorized person of any civil or criminal process or order of any court. The terms "resist" and "obstruct" as used in this section do not include verbal harassment unless the verbal harassment is accompanied by a present ability and apparent intention to execute a verbal threat physically.

**ORDINANCE 327 AMENDING THE CODE OF ORDINANCES OF THE CITY OF MECHANICSVILLE, IOWA, BY ADDING PROVISIONS PERTAINING TO FAILURE TO ASSIST**

Be It Enacted by the City Council of the City of Mechanicsville, Iowa:

**SECTION 1. SECTION ADDED.** The Code of Ordinances of the City of Mechanicsville, Iowa, is amended by adding a new Section 41.17 which is hereby adopted to read as follows:

**41.17 FAILURE TO ASSIST.** A person who reasonably believes another person is suffering from a risk of serious bodily injury or imminent danger of death shall, if the person is able, attempt to contact local law enforcement or local emergency response authorities, if doing so does not place the person or other person at risk of serious bodily injury or imminent danger of death. No person shall without lawful cause violate the provisions of this section. A person shall not be required to contact local law enforcement or

emergency response authorities if the person knows or reasonably believes that the other person is not in need of help or assistance.

Ayes all. Motion carried. Amy Bishop motioned, Adam Paidar seconded to waive the second and third readings of the ordinances. Ayes all. Motion carried.

Amy Bishop motioned, Adam Paidar seconded to adopt the ordinances. Roll call vote: Ayes: Amy Bishop, Denice Dochterman, Laura Yost, and Adam Paidar. Nays: None. Absent: Jennifer Lester. Ordinances 321-327 adopted.

**Resolution 2021-15 setting salary for PWD:** Adam Paidar motioned, Denice Dochterman seconded to increase PWD salary by \$1/hour following the 90 day review. Roll call vote: Ayes: Adam Paidar, Amy Bishop, Denice Dochterman, and Laura Yost. Nays: None. Absent: Jennifer Lester. Resolution adopted.

**Set date for Trunk or Treat:** Amy Bishop motioned, Denice Dochterman seconded to set the date for Trunk or Treat for Sunday, October 24 at 2:00 p.m. Ayes all. Motion carried. Traditional Trick or Treat will be on Sunday, October 31 from 5p.m. to 8 p.m. please leave your porch light on.

**Set date for fall large item clean up and cemetery clean:** Adam Paidar motioned, Laura Yost seconded to set the cleanup days for October 12 to October 15. Ayes all. Motion carried. Residents will need to contact city hall with your name/address to be put on the list for pick up. Fees for the items will be applied to the utility bill. Please remove any items you want to save from the cemetery by October 12.

**Set date for leaf pick up with Lowden or use leaf vacuum:** Lowden will be contacted to schedule 3 dates for leaf pick up in Mechanicsville which is usually end of October into middle of November. Mechanicsville will plan to exchange by running street sweeper in Lowden if requested to sweep streets there.

**Curb cut for alley access on N Washington Street:** It was discovered that the curb cut on Washington Street is not where the alley is, it is actually an entrance into the cemetery from the south side that was not developed. The ally north edge begins at the south edge of this existing curb cut. Adam Paidar motioned, Laura Yost motioned to cut the 16 foot curb for the alley in the proper location, and trim the low hanging tree branch to allow the alley to be properly used. Ayes all. Motion carried.

**Review Park Planet inspection report:** Report was reviewed with no additional action being taken until the comprehensive plan can be completed.

**Applying for CDBG-CV grant:**

**For remodeling/expanding the enclosed pavilion or demolishing it and building a new or for updating the American Legion Building:** Amy Bishop explained that on September 1, Jennifer Walker with ECIA came and did some brainstorming with about 15 community members present and discussed various resources. There will be a community survey, parks and trails plan and a comprehensive plan done. Some of the discussion included updating the Memorial Building and or expanding the building at the



park as there is a CDBG-CV grant funding cycle that is available now, so there was some urgency in applying for the funds to address some of the immediate needs. Unsure of the deadline and the amount of funding available, so additional information will be obtained on the grant deadline and more details about what is eligible for the potential updates to the Memorial Building/Community Center.

**Correspondence:** Correspondence from ITC informing us that they will be conducting aerial LIDAR research of the high voltage transmission lines the second part of September so flights will be conducted using helicopter with dark green and tan camouflage paint flying at low altitudes of 300 to 400 feet to ensure research integrity. This is a normal procedure, so there is no cause for alarm if a low flying helicopter is sighted near transmission lines during this time frame.

**Set next meeting date:** Tuesday, 10/12/2021 6:30 p.m. at the Memorial Building

**Mayor Comments:** Movie in the Park had a good turnout.

**ADJOURN:** There being no further business to come before the Council at this time, council member Amy Bishop motioned, Adam Paidar seconded to adjourn the meeting at 7:42 p.m. Ayes all. Meeting adjourned.

ATTEST:

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Linda K. Coppess, MMC

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Andrew Oberbreckling, Mayor