

# In the Middle

JULY 2023 NEWSLETTER



## **City Council Meeting**

**July 11, July 25th**

6:00pm

City Council Chambers

## **Planning and Zoning**

**July 10th**

6:00pm

Peosta Police Station

## **Peosta Days**

Get your capes ready!

SUPERHEROS are coming to Peosta on

**Saturday August 26th**

Get your ideas flowing!

This year's Peosta Days are going to be SUPER!

## **Fall Garage Sales**

September 21-23rd



## Mayors Message

***Even if you're on the right track, you'll get run over if you just sit there. - Will Rogers***

The dog days of summer have started early. The heat and no precipitation have been tough to deal with. I can't imagine what August will be like.

Speaking of August, Peosta Days will be celebrated on August 26<sup>th</sup>. The committee is already hard at work making plans. You can help out and get moving on the right track by volunteering! Contact Stacey at the Peosta Community Center to find out how to help out with this celebration.

Kelly Oaks will continue to be transformed as the summer and rest of this year rolls on. The City Council recently approved Smith Dirt Works as the contractor to grade and install the parking lot. Keep an eye out for more changes as the project progresses.

The City Council and department heads will be working on goal setting in July. Mapping out the future goals of Peosta for the next couple of years. Let us know what your ideas are for the city.

The turn lane project is set to begin later this month as well. This much needed change at the Burd/Peosta St intersection will take a while to complete but once it's done the benefits of better flowing traffic will make early morning and afternoon commutes a real godsend!

Here's the windup and the pitch: 2 seats will be up for election this November. If you have thought about getting involved maybe a run for a council seat is in your future? Get to know how the city runs from the inside!

Have a great rest of your summer.

Peosta is truly the Middle of Everywhere and always a hub of activity!

*Russ Pfab, Mayor*

**City of Peosta Government "101" Series of articles to educate and inform the citizens of businesses of Peosta**

# Public Hearings

There seems to be some confusion on what a public hearing is held for, and what does/does not take place in a public hearing, so this article will focus on the solely on this subject. First, what is a public hearing? Public hearings are intended to provide the public in general and those particularly affected by a proposed municipal action the opportunity to provide input regarding the policy options available to the city council. Cities are required to hold public hearings before taking action on certain agenda items and it is important for the city council to know when a hearing must be held.

The Code of Iowa requires that a public hearing be held before certain ordinances and/or resolutions are adopted by city council. The list is lengthy for both, but I believe that it's worth noting them all. To find out more about each Section of the Iowa Code you can Google "Code of Iowa, Section (insert the section number)".

The *Code of Iowa* requires that a public hearing be held before the following ordinances are enacted:

- Authorizing condemnation of agricultural property (Section [6B.2A](#))
- Establishing precinct boundaries (Section [49.5](#))
- Withdrawing from application of the state building code (Section [103A.12](#))
- Vacating streets or public lands (Section [354.23](#))
- Granting a franchise (Section [364.2](#))
- Adopting or increasing a franchise fee (Section [364.2](#))
- Adopting a code of ordinances if it contains a new or amended ordinance (Section [380.8](#))
- Adopting a standard code or portions of the *Code of Iowa* (Section [380.10](#))
- Establishing a sewer or water assessment district (Section [384.38](#))
- Establishing a sewer or water connection fee district (Section [384.38](#))
- Establishing a self-supported municipal improvement district (Section [386.3](#))
- Discontinuing an administrative agency (Section [392.7](#))
- Establishing zoning regulations or changing the zoning property or approving a site development plan (Section [414.4](#))
- Making appropriations by a special charter city for necessary expenditures for the next ensuing fiscal year (Section [420.41](#))
- Partially exempting from property taxation of the actual value added to industrial real estate by the new construction of industrial real estate research-service facilities, warehouses, distribution centers and the acquisition of or improvement to machinery and equipment assessed as real estate (Section [427B.1](#))
- Making special valuation of wind energy conversion property (Section [427B.26](#))

The Code of Iowa requires that a public hearing be held before the following resolutions are enacted:

- Approving plans, specifications, forming of contracts and cost estimates for public improvement project (Section [26.12](#))
- Approving the issuance of bonds for a joint transit authority (Section [28E.17](#))
- Vacating an official plat (Section [354.22](#))
- Entering into a lease-purchase agreement for equipment with payment from the debt service levy (Section [364.4](#))
- Approving a proposal to sell real property (Section [364.7](#))
- Approving of intent to dissolve city (Section [368.3](#))
- Entering into or extending annexation moratorium agreement (Section [368.4](#))
- Approving or denying an application for voluntary annexation to a city (Section [368.7](#))
- Approving resolution of intent to reduce number of council members from five to three (Section [372.4](#))
- Removing a council appointee by written order (Section [372.15](#))
- Approving the Maximum Tax Levy to Certify to Taxes (Section [384.15A](#))
- Approving city budget for the next fiscal year (Section [384.16](#))
- Amending city budget (Section [384.18](#))
- Instituting action for the issuance of general obligation bonds (Section [384.25](#))
- Approval of a capital improvement plan (Section [384.15](#))
- Approving resolution of necessity, estimate of cost, plat and schedule of assessments for a special assessment project (Section [384.49](#), [384.50](#) and [384.51](#))
- Approving the establishment of an urban revitalization area (Section [404.2](#))
- Approving the issuance of bonds under authority of Chapter 419 (Section [419.9](#))

While the Code does not specify if the action is to be done by resolution or ordinance, a public hearing is also required to remove a member of a metropolitan or regional planning

commission by its governing body, which is covered in [Section 281.2](#).

Cities may also choose voluntarily to hold a public hearing as a way to bring added attention to an issue or where the governing body wants to solicit additional feedback from citizens before deciding on an issue.

Public hearing notification. Code of Iowa requires that notice be made not less than four (4) and not more than twenty (20 ) days before the date of the hearing. There is a different timetable for our budget approval and budget amendments which requires us to publish notice not less than ten (10) days and nor more than twenty (20) days before the hearing. Iowa Code requires the public hearing notifications only need to be published in the local newspaper, which is the *Telegraph Herald*.

Now, what happens at a public hearing? The Mayor will open the public hearing and ask for anyone that wishes to comment about the pending ordinance or resolution to be possibly voted on. Each person speaking, by ordinance, is given a reasonable amount of time to speak. The Mayor has the authority to stop the speaker if they are unruly, get off topic, or starts to hear repetitive comments.

After all comments have been heard, the Mayor will close the public hearing and a vote will take place. However, the Mayor and Council have the authority to not take any action on the ordinance and/or resolution and the agenda item may or may not be brought back at a later date.

We often hear this at the time of the public hearing; "Why doesn't the mayor or council answer our questions that we have during the hearing?". Again, the purpose of the hearing is to allow the public the opportunity to comment on the proposed ordinance and/or resolution to be acted upon. Trust me, we value your input, and would ask that you contact any of us with your questions as this is valuable information that the council does consider during their decision-making process. Below is all the contact information for the Mayor, Council, and me.

Mayor, Russ Pfab. 563-599-0237

[mayor@cityofpeosta.org](mailto:mayor@cityofpeosta.org)

Councilperson, Gerald Hess. 563-599-7938

[ghess@cityofpeosta.org](mailto:ghess@cityofpeosta.org)

Councilperson, John Kraft. 563-542-8990

[jkraft@cityofpeosta.org](mailto:jkraft@cityofpeosta.org)

Councilperson, Justin Lau. 563-590-4972

[jlau@cityofpeosta.org](mailto:jlau@cityofpeosta.org)

Councilperson, Alexis Lundgren. 563-451-9951

[llundgren@cityofpeosta.org](mailto:llundgren@cityofpeosta.org)

Councilperson, Brian Schatz. 563-599-6623

[bschatz@cityofpeosta.org](mailto:bschatz@cityofpeosta.org)

City Administrator, Annette Ernst. 563-258-3818

[aernst@cityofpeosta.org](mailto:aernst@cityofpeosta.org)

Next month I will cover what an ordinance and resolution are, what they are used for and what makes them different from one another.

If you have a specific topic that you would like to be discussed or have any questions - just let me know!

Sincerely,

**Annette Ernst, ICMA-CM**  
City Administrator

## Planning and Zoning Commission Vacancy

Due to a recent vacancy, the City of Peosta has an opening on our Planning and Zoning Commission.

The city has basic requirements for membership on the commission, that include 4 of the 5 members be a resident of Peosta. The additional member of the commission may be a resident of the area outside the city over which the zoning jurisdiction of the city has been extended. This area is a 2-mile perimeter. Also, the city strives to make sure that we have a gender balance, so we are in accordance with the State of Iowa Code that is outlined below.

Responsibilities vary from reviewing preliminary and finals plats, rezoning requests to ensure that the city is adhering to our Comprehensive and future land plans. You need not have any experience in these areas as there are seasoned members and staff that will guide you through each issue that

is brought before the commission. The window for this opening will be 90-days starting on June 5th, 2023, afterward, the mayor will appoint the most qualified individual to complete the vacancies term, which is September 1, 2023. The term for this vacancy ends April 1, 2024.

This is an exciting time for the City of Peosta with the rapid growth of both residential and commercial development for you to become involved with the city, so give me a call at 563-556-8755 if you're interested in learning more or would like to be considered for an appointment to the commission.

Sincerely,  
Annette Ernst

## Gender Balance

### 2016 Iowa Code

Title II - ELECTIONS AND OFFICIAL DUTIES

Chapter 69 - VACANCIES — REMOVAL — TERMS

Section 69.16A - Gender balance.

Universal Citation: **IA Code § 69.16A (2016)**

69.16A

1. All appointive boards, commissions, committees, and councils of the state established by the Code, if not otherwise provided by law, shall be gender balanced. No person shall be appointed or reappointed to any board, commission, committee, or council established by the Code if that appointment or reappointment would cause the number of members of the board, commission, committee, or council of one gender to be greater than one-half the membership of the board, commission, committee, or council plus one if the board, commission, committee, or council is composed of an odd number of members. If the board, commission, committee, or council is composed of an even number of members, not more than one-half of the membership shall be of one gender. If there are multiple appointing authorities for a board, commission, committee, or council, they shall consult each other to avoid a violation of this section.

2. All appointive boards, commissions, committees, and councils of a political subdivision of the state that are established by the Code, if not otherwise provided by law, shall be gender balanced as provided by subsection 1 unless the political subdivision has made a good faith effort to appoint a qualified person to fill a vacancy on a board, commission, committee, or council in compliance with subsection 1 for a period of three months but has been unable to make a compliant appointment. In complying with the requirements of this subsection, political subdivisions shall utilize a fair and unbiased method of selecting the best qualified applicants. This subsection shall not prohibit an individual whose term expires prior to January 1, 2012, from being reappointed even though the reappointment continues an inequity in gender balance.



## City of Peosta Text Alerts

Be "**in the Middle**" and sign up for Text Message updates from the City of Peosta.

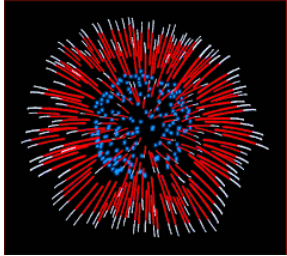
There are 2 simple ways to register for City of Peosta mobile text messages.

Text "Peosta" to 81257

Or

**[Sign up for City of Peosta text alerts \(mobile-text-alerts.com\)](https://www.cityofpeosta.com/mobile-text-alerts.com)**





## Police Department Firework Reminder

Fireworks are only allowed on your owned property and only during the listed time frames. Fireworks are not permitted in the city limits of Peosta outside the dates specified below. As always, please be safe and respect your neighbors!

Iowa State Code 727.2 reads:

#### 4. Limitations.

a. A person shall not use or explode consumer fireworks on days other than June 1 through July 8 and December 10 through January 3 of each year, all dates inclusive.

b. A person shall not use or explode consumer fireworks at times other than between the hours of 9:00 a.m. and 10:00 p.m., except that on the following dates consumer fireworks shall not be used at times other than between the hours specified:

(1) Between the hours of 9:00 a.m. and 11:00 p.m. on July 4 and the Saturdays and Sundays immediately preceding and following July 4.

c. A person shall not use consumer fireworks on real property other than that person's real property or on the real property of a person who has consented to the use of consumer fireworks on that property.

d. A person who violates this subsection commits a simple misdemeanor. A court shall not order imprisonment for violation of this subsection.



## Community First Aid Training

**July 10 at the Peosta station  
6-8 PM**

All are welcome! Here is what we are planning:

- Hands-on CPR
- Heimlich/choking response
- Taking and understanding vital signs
- Fire fighter suit-up challenge with heart rate assessment
- Bleeding control
- Seizure response
- Heart healthy snack making
- Heart-related ambulance response scenario

All activities will be running concurrently (so you can come at any time), and you can choose the ones that interest you the most.



TIME	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
<b>5:15 AM</b>	D.I.Y Workout - Cindy/Tracy	Spin -Cindy (No Class July 4th)	Butts and Guts -Cindy/Tracy	Total Body Blast -Jaime		*Indoor Cycling Vicious Circle (7:30 a.m.) -Penny (No Class July 1st)
<b>8:15 AM</b>	Full Body Strength -Deidre (8:00 a.m.)		Insanity -Cindy/Tracy		Full Body Strength -Deidre (8:00 a.m.)	Strength and Grit Bootcamp (8:15 a.m.) -Penny (No Class July 1st)
<b>9:15 AM or 9:30 AM</b>	9:15 AM Silver Sneakers -Melinda	Get Fit -Christa (No Class July 4th)	9:15 AM Silver Sneakers -Melinda	Get Fit -Christa	<b>PCC Fitness Classes</b> We are asking all members to bring their own mats to our fitness classes.  We are also requiring sign up for the classes that are *stared. There are limited spaces available so you must enroll to reserve your spot: <ul style="list-style-type: none"> <li>• Registration will be open all month.</li> <li>• Enrollment for * classes can be done online or at the front desk.</li> <li>• We ask that if you are unable to attend you let us know so we can add people from waiting list.</li> </ul>	
<b>6:00 PM</b>	*Total Body Spin 6:00-7:00 -Doris (No class July 3rd)			*Total Body Spin 6:00-7:00 -Doris July 6th		

Regular Hours:  
 Monday-Thursday- 5 a.m.-8 p.m.  
 Friday-5 a.m.-7 p.m.  
 Saturday 7 a.m.-3 p.m.  
 Sunday-7 a.m.-Noon

**Class instructors may change without notice. Cancellations will be noted via social media as soon as possible.**

Peosta Community Centre 7896 Burds Road Peosta IA 52068

## Coed Softball

Registration opens July 1st each year. The deadline is July 31st each year. Season begins in August.

**WELCOME**  
**SUPER**  
**ALL HEROES**

PEOSTA  
COMMUNITY CENTRE

**SUPERHERO RUN**

**1/2 Mile Fun Run: 9am**  
**2 Mile Run: 9:15am**  
**AUG 26TH**

- \$5 for the 1/2 mile fun run, \$10 for the 2 mile run.
- Dress as your favorite superhero!
- Superhero masks will be available for those without a costume.

**REGISTRATION AVAILABLE AT**  
**[www.cityofpeosta.org](http://www.cityofpeosta.org)**  
**or in person at the PCC**

Made with PosterMyWall.com

- New routes for both races!
- Please register by August 16th.
- There will not be race t-shirts this year.

## PROGRAMS FOR KIDS & FAMILIES



**Dubuque County Library**  
**PEOSTA / NICC BRANCH**

8342 NICC Drive  
Peosta, IA 52068  
Phone | 563-556-5110 ext.2224

## **Art as Advocacy**

**July 26th @ 2:00pm-3:00pm**

In this weekly series, Jenn will give a survey of how various art forms have been used to give different people and groups and voice. Then, learn about ways YOU can spread positivity through art (Even if you don't consider yourself an "artist"). Registration is recommended.

<https://www.dubcolib.org/calendar/art-as-advocacy-7/>

## **Theater Preview: Puffs**

**July 19 @ 4:00 pm - 4:30 pm**

Join the young actors from the Road Less Traveled Theater for a preview of their upcoming show Puffs, followed by a Q&A.

Puffs, or: Seven Increasingly Eventful Years at a Certain School of Magic and Magic, is a play about Wayne Hopkins — a boy from New Mexico who is neither brave, smart, nor a snake — finds out he's a wizard. Upon arrival at a certain school of magic and magic, he's placed into the Puffs: a group of well-meaning, loyal rejects. Over the next seven years, he'll try to learn magic; try not to have his life ruined by his four-eyed nemesis; and try to not to get hurt in what is actually a very dangerous place to for unsupervised children to be. Sometimes he will succeed.

## **Sensory Playtime**

**July 20 @ 9:30 am - 10:00 am**

Touch, smell, taste! Use your senses at various interactive play stations. For ages 3-6, no registration.

## **Face Painting**

**August 1 @ 10:30 am - 11:30 am**

Express yourself with body paint, henna art, and temporary tattoos! Learn a about these art forms, and then decorate your arms & legs. No registration required.

## **Library Calendar**

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**(563) 556-8755**

**[City of Peosta Website](#)**



City of Peosta | 7896 Burds Road, P.O. Box 65, Peosta, IA 52068

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