

City of Elk Run Heights  
Regular Council Meeting  
Located at Eddis Winstead Council Chambers  
February 9, 2021 - 6:00 p.m.

Mayor Lundy called the meeting to order at 6:00 pm. All present recited the Pledge of Allegiance. Roll call of Council Members: Present – Wilson, Bass, Sallis, Smock, Ratchford. Quorum present.

Ratchford/Smock to approve of the February 9, 2021 Agenda. Ayes-Five. Motion carried.

Presentation by Franchise Manager, Mark Reinders with MidAmerican Energy, regarding franchise fees on the bills for Elk Run Heights residents. Reinders began by stating there are existing franchises with electric and gas easement agreements which will be replaced if the Council decides to move forward with adding a franchise fee. By adding a franchise fee Elk Run residents will not see any change to their bills. The only change will be the 1% that currently goes to Black Hawk County will come straight to our City; resulting in Elk Run receiving the total 1% rather than a portion. If Council wanted to do more than 1% than it would be a profit. The City would need to have a public hearing and then pass the percent chosen and if by chance the City needed to change the percent in the future, it will take an amendment and another public hearing. Councilor Bass asked if there are any costs associated with this. City Clerk, Julie Eastman, responded no. Councilor Ratchford stated that he felt it was not a good time to raise the franchise fee due to the cost increase for residents for the Treatment Plant and garbage/sewer rates being raised in the near future. Eastman explained that she is working to find ways to balance these increases with the water portion of the utility bill. It was agreed to move forward with implementing a franchise fee at 1%.

Ratchford/Wilson to approve setting the date of Public Hearing to approve a Revenue Purpose Statement for March 9, 2021. Ayes-Five. Motion Carried.

Ratchford/Bass to approve setting the date of Public Hearing to approve Gas and Electric Franchise with franchise fees for March 9, 2021. Ayes-Five. Motion Carried.

Wilson/Ratchford to approve the Consent Agenda - All items listed on the consent agenda will be enacted by one motion. *There will be no separate discussion unless a request is made prior to the time the council votes on the motion.* *a.* Approve the January 12, 2021 regular meeting minutes and January 19, 2021 special meeting minutes *b.* City Clerk's Reports as of January 31, 2021: Budget Report, Treasurer's Report, Investment Report. *c.* Building Inspection, Library, PeopleService Sewer/Water, and Police reports. Roll call vote: Ayes-Five.

Ratchford/Bass to approve the Resolution Calendar – All items listed under the Resolution Calendar will be enacted by one vote. There will be no separate discussion of these items unless a request is made prior to the time Council votes on the motion. *a.* Resolution 3052 authorizing the payment of bills and transfers. *b.* Resolution 3053 approving the Law Enforcement 28E Agreement with the City of Evansdale for FY22. *c.* Resolution 3054 setting the date of a Public Hearing to approve Fiscal Year 2021/2022 Budget for March 9<sup>th</sup>, 2021. *d.* Resolution 3055 approving the renewal of Fire Protection Contract with the City of Waterloo for FY22 in an amount of \$38,927.45. *e.* Resolution 3056 approving the renewal of Animal Control 28E Agreement with the City of Evansdale for FY22 in an amount of \$2,284.00. *f.* Resolution 3057 approving the Mayor to sign a Cooperative Agreement for Elk Run Road Resurfacing Project Participation in an amount not to exceed \$47,302.21. In reference to resolution 3057 City Attorney Prendergast asked what the repayment options are for the resurfacing. Mayor Lundy said that there is \$20,000 in the budget for this year and the remainder will be budgeted for next year. Prendergast stated that she will need to know how much and when the payments will be made so she can make an addendum. Roll call vote: Ayes-Five.

Ratchford/Smock to approve reappointment Cindy Holloway to Board of Adjustment: with term ending 03/01/2026. Ayes-Five. Motion Carried.

Ratchford/Smock to open public hearing at 6:33 p.m. to raise Wastewater Treatment Plant Project Capital Project fee from \$50.00 to \$60.00. Ayes-Five. Motion Carried. Proof of publication and public comments were received. There will be all three readings for this Ordinance, and they will be in March and April at the regular council meetings and the increase is set to show up on the bills that will be sent July 1, 2021. Ratchford/Bass motion to close public hearing at 6:36 p.m. Ayes-Five. Motion Carried.

Ratchford/Bass to approve the first reading of Ordinance 270 Amending the Code of Ordinances of the City of Elk Run Heights, Iowa, by amending chapter 13.16, wastewater treatment user charges. Roll call vote: Ayes-Five.

Smock/Ratchford to approve request from Public Works to purchase a power auger from Black Hawk Rental in an amount not to exceed \$1,348.00. Ayes-Five. Motion Carried.

Ratchford/Sallis to approve request from Public Works to purchase replacement windows for the Council Chambers from Andersen Windows & Doors in an amount not to exceed \$1,446.43. Ayes-Five. Motion Carried.

Smock/Ratchford to approve request from Public Works to purchase siding for the concessions building at Mayor's Park from Spahn & Rose in an amount not to exceed \$1,030.04. Ayes-Five. Motion Carried.

Ratchford/Sallis to approve request from PeopleServices to pay Wedeking Electric for electrical services needed to wire generator at Sutton Lift Station in an amount of \$2,005.37. Ayes-Five. Motion Carried.

Discussion/Possible action: Review of new public works position job description. Mayor Lundy expressed concern about where in the budget this position is going to be paid from. Councilor Smock stated that once the revenues are determined for the budget then a decision will be made. Mayor Lundy would like to see this position held off for another year; adding she is confident that the City will not have issues finding someone to fill the position. City Clerk Eastman asked Council if they felt the description for the position was sufficient. Smock felt that it should be specifically stated that the new hire is to have their building inspection permit testing completed within a certain time frame. Eastman said she will gather the requirements of building inspection requirements so it can be more specific. It was agreed to leave the description as is with the idea the position could be revised.

Discussion/Possible action: Moving forward with Gilbertville/Lafayette Road Reconstruction Project. Mayor Lundy stated she and City Clerk Eastman met with Maggie from Spear Financial to discuss payment options; the City's share is roughly 1.370 million for the road construction portion. It was decided to replace water lines at the time of construction because the DNR is requiring pipes with transite to be removed, this will cost an additional \$277,000. There will be a grant for 1.2 million and the City pays the remainder. Lundy presented the option of doing a debt service levy to help pay for this which, could possibly cost the residents an additional \$90.00 to \$110.00 per year on their taxes for the next twelve years. Asking if our citizens can afford this increase. Councilor Smock stated this is worth it so to prevent the possibility of a child or anyone getting harmed on these roads. Adding the City is morally responsible to prevent this hazard for the future. Additional options discussed were revenue bonds and special assessments. Councilor Bass does not agree with assessing the taxes of all residents for a new road and sidewalk that they do not live on. City Engineer Mike Dryden stated the only people that get assessed are the people that benefit from the project and the amount is completely decided by the Council. Councilor Ratchford pointed out that as far as safety goes this project is for the good of the entire city. Councilor Sallis also added that everyone one in town uses Lafayette and Gilbertville Road. Lundy then verified Council is wanting to continue with the project and funding will be determined in the future.

Ratchford/Smock motion to table the Review FY22 Budget. Ayes-five. Motion carried.

Public discussion: Non-agenda items: Thomas Strom of 125 Jackie Ave stated he was disappointed he had a sewer back-up into his basement in December. Storm continued to mention the runoff of the water from the overlay done on Jackie Ave. and referenced a state code that says if you change the grade of a road and any damages occur to a parcel owners' property, the city is responsible for the damages. Councilor Sallis asked if there was any photographic evidence of the problem, Storm responded no.

Mayors/Council/Engineer Reports: City Engineer Mike Dryden updated Council on the Mayors Park Projects and let them know things are set for July. Council Wilson mentioned the snowplows driving too fast and the need to do a better job clearing the snow from the corners.

Ratchford/Smock to adjourn at 7:24 p.m. Ayes-five. Motion carried.

Attest:

\_\_\_\_\_  
Kristi Lundy, Mayor

\_\_\_\_\_  
Julie Eastman, City Clerk