

City of Elk Run Heights
Regular Council Meeting
Eddis Winstead Council Chambers
January 8, 2019 – 7:00 p.m.

Mayor Swope called the meeting to order at 7:00 pm. All present recited the pledge of Allegiance. Roll call of Council Members: Present – Wilson, Bass, Ratchford, Smock, and Schellhorn. Quorum present. Ratchford/Bass motion to approve the January 8, 2019 Agenda. Ayes – 5. Motion carried.

Wilson/Ratchford motion to approve the following items on the Consent Agenda approve the December 11, 2018 meeting minutes, accept the City Clerk's Reports, Treasurer 's Report, Fund Report, Function Report, Revenue and Expenditure Reports as of December 31, 2018; Resolution 2932 approving and authorizing the payment of city bills. Roll call: Ayes – 5.

Public Input: Teresa Hertges, 303 Gilbertville Rd., stated that she was in support of city clerk Lundy.

Review drainage ditch project: City Attorney Heather Prendergast questioned City Engineer Mike Dryden regarding the steps made on the drainage ditch project. Mr. Dryden discussed the purpose of the drainage ditch project, that it was approved by council, and that the purpose of the project was to alleviate erosion along Gilbertville Road and that the project wasn't completed but their goals were being accomplished. Bob Hertges, 303 Gilbertville Rd., questioned why the water run-off issue from Casey's wasn't being alleviated. Attorney Prendergast responded that the project wasn't completed and that she wasn't going to discuss it further at this meeting but would schedule another meeting with Mr. Hertges and City Engineer Dryden. Councilor Ratchford stated he understood that it was going to affect his property as well, but it is in the city right away and the project had to be completed.

Engineers Report/Review Preliminary Assessment Schedule: City Engineer Dryden discussed the assessment options for the Gilbertville Road Water Main Improvements from Plaza Drive to Young Road. Dryden discussed the preliminary assessment options for properties along the project area. Assessment areas include Road Ranger, WB and Company, and the Brustkern Trust properties. Mayor Swope questioned Marc Bourgault, representative with Road Ranger, if they were still in agreement with a \$25,000 assessment. Mr. Bourgault responded that Road Ranger was still agreeable to a contribution to the project.

Ratchford/Bass motioned to open public hearing – Gilbertville Road Water Main Project at 7:19 p.m. Ayes-Five. Motion carried. Proof of publication on file. Public comments were received. Mr. Bourgault, Road Ranger representative stated that Road Ranger was still willing to contribute \$25,000 toward the project but wanted council to know that when the property was purchased it was already developed and the Road Ranger believes the continuation of the water main should be on the end user that will be utilizing the water. Councilor Schellhorn questioned if a contribution would be given or an assessment received. Bourgault responded either way was fine. Councilor Smock questioned why Road Ranger was liable for this improvement. Engineer Dryden responded that 30 years ago when Road Ranger property was developed the water main should have been extended to the beginning of the next parcel and it was not. Councilor Ratchford stated that he would be satisfied with the last schedule. Dryden stated that this was the preliminary schedule, but a final would be proposed to council when final figures were available. Mayor Swope questioned where the funds for the city share of \$80,000 would come from. Engineer Dryden stated that the project needed to move forward for future city projects. Ratchford/Wilson to close the public hearing at 7:39 p.m.

Ratchford/Schellhorn to approve Resolution 2933 fixing value of lots and adopting preliminary assessment schedule four (4) with 80% city share. Roll call: Ayes-Five.

Ratchford/Wilson to approve Setting Public Hearing for Ordinance 257 – Building Codes. Attorney Prendergast stated that she did not have the opportunity to review the building code ordinance, but we could still set the date for public hearing. Councilor Smock stated that she didn't approve that above ground pools need to have a permit to be set up. Councilor Schellhorn stated that permits were not needed for pools that were less than 24" in depth. Smock responded to exclude above ground pools. Roll call: Ayes-Five.

Smock/Ratchford to table Foundation Drain Disconnection Discussion. Ayes-Five. Motion carried.

Ratchford/Schellhorn to schedule Budget Workshop for January 22, 2019 at 6:00 p.m. Ayes-Five. Motion carried.

Councilor Smock read "School Choice Proclamation".

Ratchford/Schellhorn to approve Council to enter in to closed session pursuant to Chapter 21.5 (1) c of the Iowa code: To discuss strategy with counsel in matters that are presently in litigation or where litigation is imminent where its disclosure would be likely to prejudice or disadvantage the position of the governmental body in that litigation.

Ratchford/Wilson motioned to hire an investigator confidential personnel matter to investigate and determine the validity of allegations regarding an employee and if further disc actions are necessary. Roll call: Ayes-Five.

Wilson/Smock to motioned to put on hold Kristi Lundy's resignation until further investigation can be completed. Roll call: Ayes-Five

Ratchford/Bass motioned to accept Bonnie Cross's resignation. She shall also receive payment for two weeks of employment. Councilor Schellhorn wasn't in agreement to pay to weeks wages. Attorney Prendergast stated that she gave two weeks' notice and council decided not to retain her services. Roll call: Ayes-Five.

Councilor Schellhorn stated that we should discontinue the use of our personal emails for city business and resort to the Elk Run Heights email address only.

Wilson/Ratchford motion to adjourn at 8:47 p.m. Ayes – 5. Motion Carried.

Tim Swope, Sr., Mayor

ATTEST:

DeAnne Kobliska, Interim City Clerk