

City of Elk Run Heights  
Regular Council Meeting  
City Hall Council Chambers  
July 12, 2016 - 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 – Ratchford, Wilson, Smock, Heth and Bass. Quorum present. Ratchford/Heth motion to approve the July 12, 2016 Agenda. Ayes – 5. Motion carried.

Heth/Smock motion to accept the Consent Agenda approving the June 14, 2016 regular council meeting minutes, accept the City Clerk's Report, Investment Report, the Revenue and Expenditure Reports as of June 30, 2016 as presented, approve Resolution 2814 approving and authorizing the payment of city bills, approve Resolution 2815 approving the Fiscal Year 2016/2017 salaries and wages, approve the beer permit license for the City of Elk Run Heights Celebration on August 13, 2016 Roll call: Ayes – 5. Motion carried.

Council reviewed Frickson Bros. Excavating, 737 Colleen Ave., Evansdale; bid of \$2,040.00 to install 85 feet of sewer from driveway stub to property line at 5500 Lafayette Road, the remaining footage is the home owner's responsibility. Smock ask Mr. Phillo if he had been maintaining the drive all this time. Mr. Phillo responded yes. Mike noted where the pavement ends on Mr. Phillo's driveway is about his property line. Ratchford questioned paying for 85 feet of sewer what about water, and water location. Mayor Swope stated the city agreed to pay for saddle, corporation and five feet of tubing last month. Mike indicated the water location is the west end of Mr. Phillo's property to the water main easement. Heth ask if the street would be torn up. Mayor Swope replied no. Smock questioned if the entrance to the driveway was gravel. Mike replied no it was black topped. Ratchford/Wilson motion to approve payment of Frickson Bros. Excavating for 85 feet of four inch S-C-H 40 sewer from driveway stub to property line at 5500 Lafayette Road at a cost of \$2,040.00. Ayes – 5. Motion carried.

City Engineer Mike Dryden had two items: first the Iowa Wall Saw Concrete will call the City regarding the driveway on Plaza Drive, second the approval for Pay Estimate #6 is only an approval for the IADOT reimbursement request. Smock questioned if the City is done with these Pay Estimates. Mike replied yes. Heth ask if the flashing light on Plaza Drive will cost less than the stop/go light. Mike replied he is meeting with Muhammed Elahi this Thursday, Mike will check with him.

Harlan Ariens, Manager, Public Works CN, presented a cooperative agreement with the City for more than just repairs to the tracks north of Plaza Drive, a cooperative program that enhances services than would normally be recognized by the 60/20% DOT Program Harlan stated this is a fixed cost. Mike felt the fixed verses the 20% total project cost is about the same, fixed slightly higher, however if added expenses the City is not responsible. Harlan stated this project will be 60 feet of crossing and 10 feet of ties, shoulder to shoulder. Smock/Ratchford motion to approve Resolution 2808 approving participation in a cooperative at-grade crossing surface repair for the North Plaza Drive Railroad Crossing between the Chicago, Central & Pacific Railroad Company and the City of Elk Run Heights, agreeing to participate in additional cost for the rubber crossing material at the rate of \$421.00/ linear foot for a width of 60 feet

and a total cost of \$25,260.00 for the crossing. Roll call: Ayes – 5. Motion carried. This item was moved up on the Agenda to allow Mr. Arians to leave early.

Council discussed the reimbursement of the Pay Estimate #6, the contractor being Croell & Subsidiary, 2010 Kenwood Avenue, New Hampton, received from the IADOT for the Plaza Drive Reconstruction Project. Smock questioned if this had already been paid. Mike replied yes. Mike explained City Clerk Kristi Lundy wanted to send this to the IADOT. Heth/Ratchford motion to approve the IADOT reimbursement to the City of the Pay Estimate #6, contractor Croell & Subsidiary, in the amount of \$4,982.19. Ayes – 5. Motion carried.

City Attorney Carter Stevens reviewed the two Redflex Automated Traffic Enforcement Ordinances provided by Attorney David Hosack. Attorney Hosack recommended taking the second example thereby eliminating an Appeal Board. Volunteers for such boards are difficult to enlist. Council agreed the second Ordinance was the preferred choice. Ratchford ask the number of Public Hearings. Mike stated one. Mayor Swope stressed the need to move slowly on this. Ratchford felt residents would not complain and non-residents will be the majority of violators. Attorney Stevens advised the monthly meetings should be in the following order: the Public Hearing, the 1<sup>st</sup> read, the 2<sup>nd</sup> & 3<sup>rd</sup> read with adoption. Attorney Stevens added council could post a waive for the 2<sup>nd</sup> and 3<sup>rd</sup> read or a super majority 4/5ths rule could be used. Bass would have preferred in place by the start of school. Smock felt sixty days at least. Heth thanked Evansdale Police Chief Jensen for setting up the “Your Speed Is” sign on Elk Run Street. Chief Jensen will be setting up the sign on McCoy Road next.

Redflex representative Patrick Howley reviewed the Speed Survey Monthly Projections Report he gave to the council. Ratchford suggested to ticket speeders at five over the speed limit, Heth agreed. Pat Howley commented the speed limit set should be enforced. Pat discussed the front/back of car cameras, a handheld for the Chief Jensen, and the double calibrated radar. All data collected will go directly to Chief Jensen. Attorney Stevens questioned the portion of fines collected, type of contract and contract length. Pat stated financial plan percentages vary, also a flat fee is available, the City may write the contract and length from three to five years. Attorney Stevens questioned the added time to analyze and extra cost to law enforcement. Chief Jensen felt it would not be significant. Smock also questioned the percentage on the fines and percentage of payees. Pat stated it could be 50% and the payee numbers vary. Garnett Phillo noted this is a civil matter. Mayor Swope thought this may be a time consuming for Evansdale with no extra compensation. Smock questioned contract wording. Bass suggested repeat offenders should be pursued. Resident Gene Edler, 424 Gilbertville Road, thinks this will slow down traffic. Heth suggested a special meeting to work on the details. Council set the date for special meeting July 26, 2016 at 6:00 p.m. Attorney Stevens will inform Attorney Hosack of this meeting.

Ratchford/Heth motion to set the Public Hearing for the Redflex Ordinance/Contract to be held at the regular council meeting August 9, 2016. Ayes – 5. Motion carried.

Council reviewed the purchase offer made through Oakridge Realtors on Lot #8 in the Elk Ridge Estates addition. Attorney Stevens advised making their decision by a motion. Bass/Ratchford motion to decline the offer on Lot #8 in the Elk Ridge Estates addition. Ayes – 5. Motion carried.

Council discussed an offer to buy Lot #27 in Shirley Addition. Ratchford/Bass motion to decline purchasing Lot #27, on Amber Lane for \$25,000.00. Ayes – 5. Motion carried.

Mayor Swope opened the Public Hearing regarding Ordinance 240, An Ordinance Amending certain portions of the Title 15 Building, Plumbing, Electrical and Mechanical Code Books at 8:05 p.m. Mayor Swope ask those in attendance if there were any vocal comments. There were no vocal comments. Smock questioned amendments to books. Ratchford/Smock motion to close the Public Hearing at 8:08 p.m. Ayes – 5. Motion carried.

Ratchford/Bass motion to approve the 1<sup>st</sup> reading of Ordinance 240. Ayes – 5. Motion carried

Heth/Wilson motion to suspend the Rules requiring the 2<sup>nd</sup> and 3<sup>rd</sup> reading and place on file final adoption of Ordinance 240. Roll call: Ayes. Motion carried.

Heth/Ratchford motion to adopt Ordinance 240. Roll call: Ayes – 5. Motion carried.

Heth/Bass motion to post Ordinance 240 instead of publish as allowed per Chapter 1.16.020: Public posting in lieu of publication. Roll call: Ayes – 5. Motion carried.

Heth informed the council the amendments to the Personnel Policy were due to state code mandates rather than 90 days now is 60 days minimum from date of hire to the first of the next month including anyone who takes the medical, dental and vision, stipend Attachment C – includes anyone that does not take the health insurance benefits and wage rates were updated to the current rates. Smock/Ratchford motion to approve Resolution 2816 amending the insurance probation periods, stipend changes and wage tables of the Personnel Policy. Roll call: Ayes – 5. Motion carried. Bass questioned why offer healthcare if not taken. Attorney Stevens stated this rule was enacted but not enforced.

Council reviewed the Lucas Asphalt, 701 Timber oak Road, Evansdale, two different options for parking lot repairs to be done behind City Hall by the Community Room. Mayor Swope explained someone had fallen there recently over the asphalt rubble. Wilson/Ratchford motion to approve Lucas Asphalt Option 2, patch rear corner area of building & do necessary milling for a new overlay, clean area 92'X30' apply tack coat to bond new 2 inch Asphalt overlay at a cost \$5,250.00. Ayes – 5. Motion carried.

Smock/Heth motion to approve the Building Inspector's June 2016 Report. Ayes – 5. Motion carried. The June 2016 Report showed a construction value of \$62,393.50.

Mayor Swope gave his monthly report requesting the council give some thought to allowing golf carts in the City. Smock is fine with this. Chief Jensen stated the golf cart Ordinance comes from the state. Attorney Stevens thinks Black Hawk County would have to approve this. Chief Jensen will get a copy of the Evansdale's golf cart paperwork to Mayor Swope. Evansdale has a \$25.00 registration fee. Chief Jensen added there have been no problems to date. Mayor Swope expressed gratitude to Chief Jensen and his department for their recent rescue of a sick child. Chief Jensen's department arrived on scene within 47 seconds.

During old business Heth questioned the out of code enforcement procedures for properties in the City. Mayor Swope thought the first letter sent should be a \$25/\$50.00 violation fee. Bass felt the first violation should be free, second has cost. Mayor Swope noted there were three properties in violation now. Chief Jensen would accompany Mayor Swope with any notices. Attorney Stevens ask who is the City's Code Enforcement Officer. Mayor Swope replied himself for now. Mayor Swope informed council they could hire a Code Enforcement Officer for \$20.00 a week. Ratchford requested a bottom line dollar amount for this. Ratchford would give residents not in compliance a year then \$50.00 fine. Heth felt one verbal then a \$50.00 fine. Council requested this be put on month's agenda.

During new business Smock expressed concern regarding mosquitoes. Heth felt spraying was a temporary solution. Smock mentioned spraying once a month and the possibility of having someone speak to the council regarding this and the cost. Mike stated mosquitoes carrying the Zika virus are rare in Iowa. Bass ask if the City is still filling in the lagoon. Mayor Swope replied no.

Ratchford/Smock motion to adjourn at 8:35 p.m. Ayes – 5. Motion carried.

---

Tim Swope, Sr., Mayor

ATTEST:

---

Bonnie G. Cross, Deputy City Clerk