

City of Elk Run Heights  
Regular Council Meeting  
City Hall Council Chambers  
August 11, 2015 - 7:00 p. m.

Mayor Swope called the meeting to order at 7:00 p.m. All present recited the pledge of Allegiance. Roll call of Council Members: Present – Bass, Heideman, Wilson, Smock and Heth. Quorum present. Smock/Bass motion to approve the August 11, 2015 Agenda. Ayes – 5. Motion carried.

Wilson/Heth motion to accept the Consent Agenda approving July 14, 2015 regular council meeting minutes, accept the City Clerk's Reports, Investment Report, the Revenue and Expenditure Reports as of July 31, 2015 as presented, approve Resolution 2755 approving and authorizing the payment of city bills, approve Resolution 2756 approving the Street Financial Report for Fiscal Year 2014/2015. Roll call: Ayes – 5. Motion carried.

Mayor Swope opened the Public Hearing on the plans and specifications for the Plaza Drive Reconstruction Project at 7:05 p.m. City Engineer Mike Dryden stated there were five tight bids. Mike explained Croell & Subsidiary had the low bid of \$676,159.85. The engineer's estimate was \$658,439.00. Smock questioned who decides who is awarded the contract. Mike replied since it is a DOT project it goes to the low bidder. Smock ask if Mike had any hesitation with Croell. Mike replied all bidders have to be pre-qualified by the DOT and Croell is a reputable contractor.

Smock/Wilson motion to close the Public Hearing at 7:10 p.m. Ayes – 5. Motion carried.

Bass/Heth motion to approve Resolution 2757 approving the detailed plans, specifications, estimate and form of contract as prepared by Ament Design for the Plaza Drive Reconstruction Project. Roll call: Ayes – 5. Motion carried.

Heth/Bass motion to approve Resolution 2758 awarding the contract for the Plaza Drive Reconstruction Project Iowa DOT number: STP-U-2312 (603)--70-07 to Croell and Subsidiary of New Hampton, Iowa in the amount of \$676,159.85. Roll call: Ayes – 5. Motion carried.

Smock/Heideman motion to approve Resolution 2759 authorizing Ament Design to provide construction observation and administration services for the Plaza Drive Reconstruction Project in accordance with the requirements of the Iowa DOT for a fee not-to-exceed \$53,900.00. Roll call: Ayes – 5. Motion carried.

Wilson/Heth motion to approve Resolution 2760 authorizing Terracon Consultants to provide materials testing for the Plaza Drive Reconstruction Project in accordance with the requirements of the Iowa DOT for a fee not-to-exceed \$9,179.50. Roll call: Ayes – 5. Motion carried.

Smock/Bass motion to approve Resolution 2761 approving the Preliminary Plat for Lafayette First Addition. Roll call: Ayes – 5. Motion carried. City Clerk Kristi Lundy noted the Planning and Zoning Commission which met Monday August 10, 2015 approved the Preliminary and Final Lafayette First Addition Plats. Mike reminded council of the need of a covenant for the development and to set a price

for the lots, then may involve a realtor. City Clerk Lundy City ask City Attorney Hosack if Attorney Prendergast had completed the covenants for the development. Attorney Hosack will check on this. Mayor Swope will contact Emily O'Connell of Oakridge Realtors since she is an Elk Run Resident. Mike offered; establish a price per lot since we will not be able to negotiate. Resident Paul Wurtz, 5335 Lafayette Road mentioned building an outlet road on the Lafayette Road cul-de-sac to Dubuque Road. Heth felt this would be an added cost. Mike commented they must consider safety issues. Mayor Swope will look into the outlet road.

Heth/Wilson motion to approve Resolution 2762 approving the Final Plat for Lafayette First Addition. Roll call: Ayes – 5. Motion carried. Engineer Dryden reported to the council there is still time to name the development. Mayor Swope requested council consider if they would prefer a different name for the development other than Lafayette First Addition, noting a time limit of two to three days. Council agreed.

City Attorney David Hosack updated the council on the legal proceedings regarding the former Raymond Road Trailer Court, stating it is still in the discovery process. Smock questioned if the city could now sell lots. Attorney Hosack stated need the for the covenant. Mike feels it will be spring before any construction could begin. Bass ask if sewer and water plans done, Mike will have these ready in one or two days. Mayor Swope ask again if a realtor could be involved at this time. Mike felt the city could get a small contract with a realtor to help the city with details but the covenants should be completed before any lots are sold.

Mayor Swope introduce resident Paul Wurtz, 5335 Lafayette Road. Paul referred to the letter he had presented to the Mayor and Council and thanked them for allowing him to be placed on the Agenda. Paul requested the council consider an ordinance prohibiting off-road vehicles in residential areas within city limits. Paul explained the situation with his neighbors and stated they have off road vehicles and a dirt bike. Paul and his wife have had to watch them ride them around and around for the last two years in their yard. They have called a Deputy a couple times because they can't even enjoy their property. It has become intolerable. Paul reminded the council they are in a residential area and they are the only ones in town that have to look at this. Wilson asked if Paul has tried talking to them. Paul said he has but it has not helped and he has tried every option he can. Heth ask if it was excessively loud. Paul explained they have a muffler on the 4-wheeler but not on the dirt bike. Heth sympathized and felt the Disorderly Conduct Ordinance the city already has in place should be enforced and render the situation. Heth did not want to prohibit those who partake in this activity and do so respectfully. Bass felt it is their property and if they want to ride around and around they should be able to but if they do so in a disorderly fashion that is addressed in the ordinance. Paul disagreed and added they are infringing on his rights to enjoy his property. Heth/Bass/Smock are concerned that resident freedoms are being restricted but do want to help. Mayor Swope read the ordinance which clearly states it is unlawful to disturb the peace. Heth reported he also has a disorderly neighbor. Paul commented if the council felt the current ordinance was sufficient he was okay with it but asked that the Sheriff's Department be made aware of it. Paul ask the Mayor to send a letter to the offender telling them they are in violation of the ordinance. Mayor Swope agreed and will inform the Sheriff. Smock ask if the noise could be heard inside with the windows closed, Paul replied yes and with the air conditioning on.

Mayor Swope appointed Paul Wurtz to the Planning & Zoning Commission to fill the vacated seat with a term to expire 01/01/2020. Smock/Heth motion to approve Paul Wurtz appointment to the Planning & Zoning Commission. Ayes – 5. Motion carried.

Mayor Swope appointed Heather Sallis to the Board of Adjustment to fill the vacated seat with a term to expire 03/01/2017. Heth/Wilson motion to approve Heather Sallis to the Board of Adjustment. Ayes - 5. Motion carried.

Mayor Swope gave his monthly report informing the council of an idea he has for a bike trail, the city of Raymond is planning one , which would connect with Lafayette Road down Plaza Drive then up the north side of Gilbertville Road then back to Lafayette Road tying into Evansdale. Mayor Swope thinks REAP money would be available for this project. Mayor Swope noted Tom James is working on his salt bin. Mayor Swope ask Mike if empty lots with nearby run down properties would qualify for TIFs. Mike thought City Attorney Heather Prendergast could better answer that. Mayor Swope questioned doing a culvert on Plaza Drive to help with trees and the ditch. Mike answered the problem is with the flatness of the area and the city will continually need to address the problem. Mayor Swope expressed an interest with city employee uniforms. Smock thought these uniforms could be sent out to be cleaned. City Clerk Lundy noted currently \$300.00 a year is budgeted for uniforms. Mayor Swope will revisit this after Mark Christianson receives his Grade III license.

During old business Heth ask if Mayor Swope had heard from the City of Evansdale regarding the Waste Water Treatment Plant. Mayor Swope replied yes, he has been in contact with them and supplied them with more detailed information.

During New Business Wilson ask what became of the elk's horns at the Plaza Drive Road Ranger site. City Clerk Kristi Lundy explained the elk statue belongs to the Road Ranger and the horns had been gone a long time, people keep breaking them off.

Heth/Bass motion to adjourn at 8:18 p.m. Ayes – 5. Motion carried.

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Tim Swope, Sr., Mayor

ATTEST:

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Kristi Lundy, CMC, City Clerk