

City of Elk Run Heights
Regular Council Meeting
September 8, 2020 - 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, and Ratchford. Quorum present.

Wilson/Ratchford motion to approve the September 8, 2020 Agenda. Ayes-Five. Motion carried.

Wilson/ Ratchford to approve the following items on the September 8, 2020 consent agenda a. Approve the August 11, 2020 regular meeting minutes and August 25, 2020 workshop minutes b. City Clerk's Reports as of Augusts 31, 2020: Budget Report, Treasurer's Report, Fund Report, Revenue and Expenditure Reports c. Approval of Building Inspection, Library, Police and Sewer Department reports. Roll call vote: Five.

Ratchford/Sallis to approve request from PeopleService to purchase a new pump for the Sutton Ave. Lift Station from Electric Pump in an amount not to exceed \$13,626.40. Jordan Cooper with PeopleService explained to Council the problems found with the pump at Sutton lift station. He provided numbers for fixing the pump or replacing it. Cooper explained they would recommend the more expensive pump because the Flygt is the better of the pumps quoted. Thomas James with the Street Department added he is in agreeance with the choice and stated that is a demanding lift station and it is priority one. Ayes-Five. Motion carried.

Cooper then informed Council there will need to be repairs done to the sludge pump at the Wastewater Treatment Plant, there is a loose wire, but it was recommended to do some maintenance to the pump while it was being repaired. The repairs will be around \$950.00, but with the new plant coming there is not any need to put more money into it than needed.

Mayor Lundy asked for an update on the status of the LP lines being put in by MidAmerican Energy. Cooper stated the Sutton lift station line has been installed but needs some adjustments and he will be meeting with them this week regarding the Plaza Drive lift station.

Cooper mentioned the upcoming hydrant flush on Monday September 14th. City Clerk Eastman stated she has published an announcement in the Courier, put it on Facebook, and put announcement on the City website to inform as many residents as possible.

Ratchford/Bass to approve resolution 3027 authorizing the payment of bills and transfers. Roll call vote: Five.

Wilson/Ratchford to table resolution 3028 approving the City of Elk Run Heights Audit Committee Policy. City Clerk Eastman stated she has been in contact with the State Auditor and they will be providing an updated list of materials to be reviewed and how often they should be reviewed. The State Auditors recommended the Audit Committee meet once a month instead of quarterly and serve a two-year term. Councilor Smock added the term should only be 1 year due to the depth of the review and elections coming up again next year. City Attorney Prendergast added it is better to switch things up to have different sets of eyes on things as well. Ayes-Five. Motion carried.

Ratchford/Smock to approve resolution 3029 proposed Social Media Policy. City Clerk Eastman explained the need for this policy due to the fact we are having a City Facebook page now. It was agreed to have the Clerk, Deputy, Mayor, Council to be able to have access to the page as well. Roll call vote: Five.

Ratchford/Smock to approve resolution 3030 proposed Visual Security and Surveillance Policy. City Clerk Eastman explained this is now relevant to have due to the security camera's around the building and in City Hall. Roll call vote: Five.

Smock/Ratchford to approve resolution 3031 approving the 2019/2020 Street Finance Report. Roll call vote: Five.

Ratchford/Wilson to approve ordinance 267 amending the Code of Ordinances of the City of Elk Run Heights, Iowa by amending provision pertaining to chapter 12.12 Driveways with changes. Primarily this Ordinance states that any new structure added or replaced must add a paved driveway. City Attorney Prendergast pointed out a typographical error. Councilor Bass questioned if someone where to build a second garage would they be required to pave the driveway. Councilor Ratchford explained that is not what the ordinance is stating. Mayor Lundy clarified further that if something is being built in the front or side yard it would be required to have a paved driveway. Roll call vote: Four. Nays-Bass.

Wilson/Ratchford to suspend the rules requiring the 2nd and 3rd reading and place on file final adoption of Ordinance 267. Roll call vote: Four. Nays-Bass.

Ratchford/Wilson to motion to adopt ordinance 267. Roll call vote: Four. Nays-Bass.

Wilson/Ratchford to approve posting Ordinance 267 instead of publishing as allowed per Chapter 1.16.020, Public posting in lieu of publication. Roll call vote: Five.

Discussion/Possible action: Halloween times and the possibility of COVID-19 restrictions. Council discussed the possibility of making any changes due to COVID. It was agreed to have trick or treating on the usual October 31st from 5:30 to 7:30, and if anyone is not comfortable, they just would not participate. Ratchford/Sallis motion to approve. Ayes-Five. Motion carried.

Discussion/Action: Conditions for sale of 100 Toneff Drive. City Attorney Prendergast stated this day marked the 60-day waiting period. Councilor Ratchford asked if the public could know how much we as the City has put into this home. Prendergast stated no, this is why City's usually have a closed session meeting to discuss terms of sale and bidding dates. Councilor Ratchford stated it would be cheaper for the City to use a lawyer for closing costs. Mayor Lundy pointed out that by using a realtor the listing would be put on the MLS getting more attention. After continued conversation it was agreed to have a closed session meeting at the September 15, 2020 workshop to discuss the specifics of the sale of the property.

Discussion/Possible Action: Sale of City-Owned Personal Property including 2001 Loftness snowblower attachment and 1993 Alamo super heavy-duty flail (mower deck). Thomas James with the Street Department explained he has replaced both pieces of equipment because the City bought a new bigger tractor. James recommended the City should try to sell both pieces of equipment. James explained he spent more time and money completely reconditioning the snowblower attachment because he thought it would fit on the new tractor, but it did not. Additionally, the mower deck has a lot of wear and tear but works well. It was suggested by Council the equipment be listed for sale on Facebook, Craig's List and any other public Platform. Ratchford/Sallis motion to list the snowblower for \$2,000.00 and the mower deck for \$200.00. Ayes-Five. Motion carried.

Public discussion: None.

Review of City Ordinances: Councilor Ratchford asked the City Clerk how the nuisance abatement letters responses have been. City Clerk Eastman stated there have been good responses. But there are a couple homeowners that to have needed to a follow up phone call.

Parking in grass: Councilor Smock noted some wording issues; pointing out section 4 and the title; which should state "Side and Rear Yard" and also changing this section to state there would not be a limit if

vehicles are parked in an enclosed structure. City Attorney Prendergast stated the legally “enclosed structure” should be referred to as an “accessory building as defined in this code”. Council Bass brought up the stabilized rock portion of the definition of hard surface pads. It was explained that it is a stabilized foundation of connected honeycomb celled panels that is filled with rock. It was agreed to leave this in the ordinance. Bass then brought up his interpretation of the exceptions section 9, stating that would mean commercial businesses would not be able to have gravel. After some discussion and Council stating this section is intended to address Residential zones Prendergast made it clear that everything in the code is discretionary. Additionally, she stated we can add a grandfather clause to be protected if needed in the future.

The surveillance chapter for Convenience Stores is a City process. Does the City want this chapter included or omitted? City Clerk Eastman stated this chapter is obsolete and is not necessary. City Attorney Prendergast validated the Clerk’s statement informing Cities do not have this type of Ordinance any longer.

Mayors/Council/Engineer Reports: Mayor Lundy updated Council on the Wastewater Treatment Plant plans and that Raymond has found an error in the predicted population and wants to reduce their population from 1600 to 1200. This will affect the plant plans. Lundy had corresponded with Jason Miller with MSA who stated in an email “A reduction in population will in turn cause a reduction in the overall design flow rates and loading rates ~~listed above~~. That will have an effect of reducing the size of certain features within the wastewater plant (and in turn could reduce the cost). We are working on the cost implications now. As to schedule, we were anticipating submittal to the DNR on September 15th with a bid opening date of January 28, 2021. If we are to proceed with a reduction in the design population for Raymond, that will mean that the following will need to be revised and reviewed/approved by the DNR. - Wastewater facility plan -28E Agreement -Anti-degradation analysis- Final plans and specifications. All that being said, I would anticipate a new bid opening date of around May 2021.” It was acknowledged there are minutes stating the change was going to be made, but that there was no way to know if they information was relayed.

Councilor Bass questioned why the end of the culvert on Elk Run Street was never fixed after the City dug it up. Mayor Lundy stated she had also questioned that. Councilor Smock asked the City Engineer Mike Dryden if he could look that it, he stated he would.

Councilor Wilson asked if there was an update on the building code violation for the home on Dawn Dr. City Clerk stated she had been in correspondence with the Building Inspector and the City Attorney and is working towards getting it handled the correct way. City Attorney Prendergast explained we would need cite the specific code he is in violation of and send another letter. If he does not comply, we should not proceed with the nuisance abatement process, it would be better off filing a municipal infraction and she would handle that.

Ratchford/Smock to adjourn at 7:33 p.m. Ayes-Five. Motion carried.

Attest:

Kristi Lundy, Mayor

Julie Eastman, City Clerk