

City of Elk Run Heights  
Regular Council Meeting  
City Hall Council Chambers  
September 13, 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. Mayor Swope requested items 10, 11 and 12 to be removed from the Agenda. Smock/Ratchford motion to approve the September 13, 2016 Amended Agenda removing items 11 and 12 related to the truck enforcement Ordinance. Mayor Swope was not comfortable proceeding with the second reading of the Automated Traffic Enforcement Ordinance without a contract from Reflex. Ayes – 5. Motion carried.

Heth/Bass motion to accept the Consent Agenda approving the August 9, 2016 regular council meeting minutes and the August 23, 2016 special meeting minutes, accept the City Clerk's Report, Investment Report, the Revenue and Expenditure Reports as of August 31, 2016 as presented, approve Resolution 2821 approving and authorizing the payment of city bills, approve Resolution 2822 approving the Annual Financial Report for Fiscal Year 2015-2016, approve the Road Ranger liquor license renewal effective 10/31/2016. Roll call: Ayes – 5. Motion carried.

During Public Input Resident Gene Edler, 424 Gilbertville Road, was concerned if the length of grass growing on the dike would cause flooding problems during a heavy rain. City Engineer Mike Dryden replied no. Mayor Swope will look at the dike. Merlyn Schmidt, 216 Marie ask about items removed from the Agenda. Mayor Swope explained this is on the Agenda. Resident Craig Wells, 117 Linda Ave, ask about getting the Children at Play sign he had requested previously. Mayor Swope will get this sign. Ross Smith, 324 Madison, Waterloo, thanked the City for the 65<sup>th</sup> Anniversary Celebration, stating how he and his family were impressed at how inclusive it was. Mr. Smith is a candidate for the Iowa House 62.

City Engineer Mike Dryden reviewed his maps and the Preliminary Engineer's Opinion of Anticipated Construction Costs for Lafayette Road (\$57,508.75) and Gilbertville Road (\$155,672.50) paved shoulders. Mike stated this is possible for pedestrians but bike trails need a five foot shoulder and must be on both sides of the street. Mike added Lafayette Road and the west side of Gilbertville Road would allow this but the east side of Gilbertville Road would not due to drainage. Mike explained an overlay to Gilbertville Road would be expensive, per Anticipated Cost \$415,906.25, the road would have to be milled, a striping solid edge line needed and signage. Wilson ask if incorporating a bike trail in the road repair could be done with a grant. Mayor Swope thought a grant was possible if tied to Evansdale's bike trail. Mike stated REAP grants are hard to get and there are strings attached so it would probably better to go to Gaming Commission. Mike added REAP are very competitive and our project may not get selected. Mike thought the road spot repairs needed for the shoulder work would be good for the roads. City Clerk Kristi Lundy noted this would have to be budgeted.

City Attorney David Hosack discussed the golf cart and ATV use within the City, stating Black Hawk County has no Ordinance for this. Attorney Hosack ask what council wanted in such an Ordinance. Ratchford mentioned requirements license, 25 mph, for night time head lights, tail lights, tail flag, and slow moving vehicle sign. Heth thought that UTVs have better safety equipment than both golf carts and ATVs. Bass recalled council did not pass this the last time discussed as only one person was interested. Ratchford suggested an annual sticker fee of \$30.00 each vehicle. Heth felt that Elk Run could be on cutting edge with UTV ordinance he proposed a couple years ago, but others on the council at that time felt we should wait until Black Hawk County adopts an ordinance and pattern ours after theirs. Smock/Ratchford and Wilson are okay with allowing this. Attorney Hosack will draft an Ordinance. Wilson thinks some are in use already. Heth does think an Ordinance is enforceable. Chief Jeff Jensen stated only golf carts allowed in Evansdale, the ATV'S are noisy and usually speeding. Resident Mark Brown, 105 Elk Run Street, would like Evansdale to allow this. Mark mentioned the surrounding cities that already have or do not have an Ordinance in place. Ratchford

will get a copy of the City of Raymond's Ordinance. Smock ask the audience if they opposed this. Audience replied no. Mayor Swope will have this Ordinance placed on next month's Agenda.

Mayor Swope shared the All Traffic Solutions information he had gotten. Mayor Swope wanted to offer council an alternative.

Bass/Ratchford motion to approve the second reading of Ordinance 241, an Ordinance for an Automated Traffic Enforcement system for making video and/or photographic images of vehicles that fail to obey red light traffic signals at intersections designated by the city council and/or fail to obey speed regulations at other locations in the City. Roll call: Ayes: Ratchford, Wilson, Bass and Heth. Nays: Smock. Motion carried.

Resident Merlyn Schmidt requested Ordinance 241 be read and if changes made on a second read is it still a second read. Attorney Hosack replied yes. Attorney Hosack spoke to Redflex General Counsel Virginia O'Malley, she looked over the Ordinance and it is clear there are no criminal conduct and no DOT violations. Also hand held photos are not reported to the state. Resident Nick Tovar questioned if the license scanned are there repercussions if only civil. Attorney Hosack replied if unpaid, challenged and lost there could be court costs, then go before a Magistrate, the state can take action on that, but no violation on your record and no letter sent to the state.

Residents attending opposed to the installation of cameras within the City were: Merlyn Schmidt, 216 Marie Ave, Nick Tovar, 323 Marie Ave, Arlan Schellhorn, 216 Sutton Ave, Craig Wells, 117 Linda Ave, Al Cross, 434 Amber Ln, Andy Mullinex, 225 Sutton Ave, Marcus Norman, 402 McCoy. Several other residents attending were also opposed but not identified. Resident reasons for opposing were: failure to communicate the City's intentions to residents, owner ticketed not driver, attorney fees, taxpayer cost, faith in Evansdale Police Department, percentage of tickets to the City, speed problem only, survey results questioned, Lafayette Road's variations in speed limits, more research needed, equipment repair maintenance responsibility, suggested increase Evansdale Police Department surveillance, small city population, unconstitutional, full-time patrol provides revenue, percent of residents ticketed, cost of ticket, cost to the City, liberties taken away, negative impact on the City where there are a lot of empty homes already, camera use could come up in the legislature as illegal by ticketing the owner not the driver, time spent by Police Department scanning photos as opposed to being on the street, lack of due process. Mayor Swope went on record as not being in favor of this. Residents do understand there is a speed problem. Attorney Hosack reviewed his changes to Ordinance 241. Bass noted a lot of heated issues over the years and the council has done a good job. Heth is convinced this is the direction to go but has not seen a contract and is concerned with the 4<sup>th</sup> Amendment. Heth thanked the residents for their input and stated resident concerns do not fall on deaf ears.

Ratchford/Heth motion to approve the Amended Automated Traffic Enforcement Ordinance 241. Roll call: Ayes – Bass, Heth, Ratchford and Wilson. Nays – Smock. Motion carried.

Heth/Smock motion to go into closed session according to Iowa Code 21.5 (c) and (j) to discuss purchase of real property at 8:44 p.m. Ayes – 5. Motion carried. Ratchford/Wilson motion to reconvene at 8:55 p.m. Ayes – 5. Motion carried.

Mayor Swope and City Clerk Kristi Lundy requested two volunteers to serve on the INRCOG Comprehensive Plan meetings in October, November and December here at City Hall, lasting about an hour. Bass/Wilson volunteered.

During old business Bass ask about the Public Hearing for new lot purchase in the Elk Ridge Estates. City Clerk Lundy stated it has to be thirty days after published and is scheduled for the October 11, 2016 regular meeting.

During new business Bass questioned if the street light was reported. Deputy clerk Bonnie Cross replied yes last week, per MidAmerican web site it could take three weeks. Ratchford mentioned his culvert has filled with sand and needs to be dug out.

Ratchford/Smock motion to adjourn at 9:06 p.m. Ayes – 5. Motion carried.

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Tim Swope, Sr., Mayor

ATTEST:

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Kristi Lundy, CMC, City Clerk