

City of Elk Run Heights  
Regular Council Meeting  
Eddis Winstead Council Chambers  
October 11, 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 – Heth, Bass, Ratchford, Wilson and Smock. Quorum present. Mayor Swope ask council to discuss Ordinance 241 and the Redflex Contract after Public Input for audience convenience. Ratchford/Smock motion to amend the order of agenda. Smock/Ratchford motion to approve the amended September 13, 2016 Agenda. Ayes – 5. Motion carried.

Heth/Smock motion to accept the Consent Agenda approving the September 13, 2016 regular council meeting minutes, the September 6, 2016 and the September 8, 2016 special meeting minutes, accept the City Clerk's Report, Investment Report, the Revenue and Expenditure Reports as of September 30, 2016 as presented, approve Resolution 2823 approving and authorizing the payment of city bills, approve Junie's Restaurant liquor license renewal effective November 17, 2016, approve the Building Inspector's September 2016 monthly report, approve Resolution 2824 approving the Fiscal Year 2016/2017 28E agreement with Waterloo Fire Rescue for fire and ambulance service in the amount of \$34,883.91. Roll Call – Ayes – 5. Motion carried.

City Attorney Heather Prendergast explained approving the third reading of Ordinance 241 does not mean the City is participating in the Automated Traffic Enforcement system; it only means in the event they decide to participate, the law is there allowing them to do so. Attorney Prendergast requested the opportunity to study this contract and to confer with Redflex staff, Virginia O'Malley and Pat Howley since she just received the contract.

Bass/Ratchford motion to approve the third reading of Ordinance 241 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 – Bass/Ratchford/Heth. Nays – Smock/Wilson. Motion carried.

Resident Merlyn Schmidt, 216 Marie Ave, ask why the change in cost of the Redflex contract dropped from \$384,000.00 to \$240,000.00. City Clerk Lundy replied the City decided to withdraw from the truck enforcement ordinance portion which lowered the total. Merlyn stated the taxpayers should know where the money is going. Attorney Prendergast stated Redflex makes \$18.25 off paid tickets and the city will not see any return until the \$240,000 is paid. Patrick Howley, Redflex representative replied the city would pay the \$240,000.00 for the initial contract and \$18.25 for maintenance from paid tickets. Resident Andy Mullinex, 225 Sutton Ave, ask the number of small cities participating in speed cameras in Iowa. Patrick replied about ten. Al Cross questioned if one -two years balance is the City liable and are taxpayers responsible. Patrick replied yes. Mayor Swope replied yes taxpayers are responsible. Resident Chris Parker, 212 Sutton Ave, felt the city failed to notify residents about this issue adding the speed cameras might divert traffic to his street. He feels people will not want to drive on Lafayette Road and Gilbertville Road and therefore to avoid it they will take the side streets. He added if he was going to pass something like this he would have been doing some door knocking to find out where the citizens

stood. Ratchford did not think the traffic would divert to the side streets and said the majority of the speeders do not live in Elk Run. Ratchford referred to the study done by Redflex that reported in a 12-hour period in front of city hall there would have been 600 citations issued for 10 miles and over. Chris suggested let Evansdale Police do its job, or put up flashing 'your speed is' signs. Smock stated she has done some research and there are other options for controlling speeders. Heth stated the speed sign set up previously near his property only worked for a few days. Once people realized there were no repercussions they returned back to their old habits and he was glad Ratchford researched into the speed cameras and felt having a 24/7 monitor would put a kibosh to it. Bass stated if you want to get some ones attention you need to get in their back pocket. He added the traffic has increased on Gilbertville Road and there is no cost to the city for the cameras and if it gets people to slow down we won. Merlyn commented if there were shoulders on Lafayette and Gilbertville Roads the speed limit could be raised to 30 mph and drivers will not go on other roads. Mayor Swope commented council is talking about sidewalks and shoulders in the near future. Arlan Schellhorn, 216 Sutton Ave, worries this will have a negative impact on the communities' reputation and the bad press we are going to get and wondered if a citizen from Toneff Drive or Elk Run Street asked for speed cameras would the council react the same way. Ratchford commented it is not personal and his goal is safety. Arlan added Lafayette Road should be 30 mph as the original reason for dropping it no longer exists – the school is now a pre-school and the bridge has been rebuilt. Al Cross noted Evansdale Police know the bad spots – give them a chance. Resident John Lundy, 208 Sutton Ave, stated there has always been speeding on Gilbertville Road and 25 mph on Lafayette Road is to low because as the rest of Lafayette Road to Waterloo is 30 mph. John is also concerned about the negative affect this will have on Casey's General Store. Many of John's co-workers from surrounding towns stop at Casey's on their way to and from work and if all those people go around like you want them to it will kill Casey's business. John feels there must be other options and asked if they have looked at speed bumps. Smock agreed and is also concerned about Casey's business. She feels if people get a ticket they won't come back to our town. John added the cost of this system cannot be recouped in five or ten years and by then the system will be outdated. Ratchford stated he did not become a council member solely to implement cameras but speeding was an issue to him. He continued when this started all five council people were for it and two council members have changed their mind. He added his is very open-minded and if the citizens come up with a better idea that would slow people down he would be for it. Smock responded she believes we need to look at other options. Mayor Swope added for the record he does not agree with the cameras. Mark Brown, 105 Elk Run St, commented the speeders and traffic have increased on his street also and he did not have a problem with the speed cameras. Attorney Prendergast advised she will review the contract and recommended the council contact her if there is any areas of concern. She will get a letter summarizing what the contract says and it will be in the November packets. Andy questioned should the city decide not to renew after the five year term and if the equipment comes down does Redflex reclaim it. Patrick answered it actually is property of the city but they could take it back if the city wanted them to. Andy noted with no monitoring service the equipment is useless.

Bass/Heth motion to adopt Ordinance 241. Roll call: Ayes – Bass/Heth/Ratchford. Nays – Smock/Wilson. Motion carried.

Heth/Bass motion to post Ordinance 241 instead of publish as allowed per Chapter 1.16.020; Public posting in lieu of publication. Ayes – 5. Motion carried.

City Engineer Mike Dryden had no other information on the shoulders on Lafayette Road and Gilbertville Road other than what he prepared last month as this will be an item for discussion at budget time.

City Attorney Prendergast noted the golf cart and ATV ordinances were examples of the City of Raymond and Jesup. Heth mentioned Black Hawk County did not have an Ordinance two years ago when it was discussed. Resident Mark Brown, 105 Elk Run Street, stated the county still does not have an ordinance and he has ask Evansdale Police Chief Jensen to approach Evansdale's council about the ATVs but Chief Jensen had not gotten back to him. Ratchford is fine with golf carts but feels ATVs must meet requirements. Mark did not think fees on ATVs were legal per the state. Heth stated he is not excited about the ATV's and golf carts at this time but feels there has not been enough discussion. Wilson stated he did not have any issues with them. Smock thought the Ordinance verbiage for license fee should be changed to inspection fee. Bass felt no fee no enforcement. Attorney Prendergast questioned who qualified to issue these fee stickers. Ratchford volunteered. Resident Arlan Schellhorn, 216 Sutton Ave, ask if residents would get stickers at City Hall. He does not feel it is enforceable for residents that don't live in Elk Run. Wilson replied it should only be for Elk Run residents. Heth ask if UTVs are state licensed. Mark replied no, they just have a sticker that is issued by the DNR. Ratchford felt annual stickers needed to meet requirements. Attorney Prendergast will review the golf cart/ATV Ordinances, including snowmobiles and the DNR governing compliances for next council meeting.

Mayor Swope opened the Public Hearing on the sale of City owned real property Lot 4 in the Elk Ridge Estates First Addition at 8:20 p.m. City Clerk Kristi Lundy noted proof of publication was on file and there were no other proposals and no written comments. Ratchford/Wilson motion to close the Public Hearing at 8:21 p.m. Ayes – 5. Motion carried.

Heth/Bass motion to approve Resolution 2825 approving the sale of certain real property currently owned by the City and situated in the Urban Renewal Area on Lot 4 of the Elk Ridge Estates at 5330 Lafayette Road to Jonathan M. and Amy M. Tisue. Roll call: Ayes – 5. Motion carried.

Mayor Swope opened the Public Hearing on the sale of City owned real property Lots 2, 3, and 6 – 8 in the Elk Ridge Estates First Addition at 8:25 p.m. City Clerk Kristi Lundy noted proof of publication was on file and there were no other proposals or written comments. Ratchford/Wilson motion to close the Public Hearing at 8:26 p.m. Ayes – 5. Motion carried.

Bass/Heth motion to approve Resolution 2826 approving the sale of certain real property currently owned by the City and situated in the Urban Renewal Area on Lots 2, 3, 6 – 8 of the Elk Ridge Estates at 5331 Lafayette Road to Skogman Realty. Roll call: Ayes – 5. Motion carried. City Realtor Emily O'Connell mentioned she will be showing Lot 9 tomorrow and someone is looking at Lot 1.

Discussion was held on Trick or Treat hours; some residents felt three hours was too long. Bass/Smock motion to set hours 5:00 p.m. to 8:00 p.m. Ayes – Bass, Smock. Nays – Ratchford/Wilson/Heth.

Ratchford/Wilson motion to set the City's Trick or Treat hours from 5:00 p.m. to 7:00 p.m. on Monday, October 31, 2016. Ayes –Ratchford/Wilson/ Heth. Nays – Smock/Bass. Motion carried.

Mayor Swope gave his monthly report stating there may be a need for a surveillance camera near the cardboard dumpster as many people are not breaking their cardboard down and they are dumping garbage in it. Mayor Swope mentioned there are only twelve new radio read meters to be installed.

During Old Business resident reviews of the meter installations varied from excellent to poor.

During New Business Heth questioned if the City building inspector reviewed final projects like fences to check if in compliance. City Clerk Kristi Lundy stated the inspector meets with the owner prior to build but not following build. Heth thought this should be done as he has seen fences that are not in compliance with the fence ordinance. Smock researched traffic calming ideas including speed rubber bumps and radar signs. Smock felt these options would be reasonable and need to be looked at. Heth ask where the rubber bumps would be placed. Smock replied in the middle of the block. Wilson questioned how this would affect snow plowing. City Engineering Dryden replied the bumps would be a milder grade and not affect the snow plow. Smock also noted narrowing the roads is proven to slow traffic. Mike agreed using the example of Ridgeway Avenue in Waterloo. Heth questioned if there were guidelines for speed bumps. Mike replied yes. Smock also felt the speed on Lafayette Road should be changed and extra policing hours added. She also mentioned that in her walks throughout the City residents have voiced their opposition to traffic cameras.

Bass/Ratchford motion to go into closed session according to Iowa Code 21.5 (c) and (j) to discuss purchase of real property. Ayes - 5. Motion carried.

Ratchford/Heth motion to return to regular session. Ayes – 5. Motion carried.

Ratchford/Wilson motion to approve the attorney to present offer on property discussed in closed session. Ayes – 5. Motion carried.

Ratchford/Smock motion to adjourn at 9:05 p.m. Ayes – 5. Motion carried.

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Tim Swope, Sr., Mayor

ATTEST:

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Kristi Lundy, CMC, City Clerk