

City of Elk Run Heights
Regular Council Meeting
Located at Eddis Winstead Council Chambers
October 13, 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 –Sallis, Smock, Ratchford, Wilson, and Bass. Quorum present.

Ratchford/Bass motion to approve the October 13, 2020 Agenda. Ayes-Five. Motion carried.

Ratchford/Bass motion to approve the October 13, 2020 Agenda. Ayes-Five. Motion carried.

a. Approve the September 8, 2020 regular meeting minutes and September 15, 2020 workshop minutes b. City Clerk's Reports as of September 30, 2020: Budget Report, Treasurer's Report, Fund Report, Revenue and Expenditure Reports c. Approval of Building Inspection, Library, Police and Sewer Department reports. Heath Draeger with PeopleService explained the Power Start report they presented the City. He went on to explain the operation and maintenance assessment report which goes over the perspective repairs that have both been accomplished and needed in the future. Draeger explained the Plaza Drive lift station has some corrosive issues due to long force sewer main before it drops. The Sutton lift station has a similar problem. Jordan Cooper with PeopleService went on to explain some of the repairs needed to the Plaza Drive lift station and received bids for the replacement propellers in an amount of \$2,400.00 each. City Clerk Julie Eastman stated she would email the council members for approval. Draeger added they would try to find someone more local to help pull the pumps when needed to prevent making an emergency call to Electric Pump whenever the pumps need pulled. Councilor Bass asked about the water valve maintenance. Draeger stated they were all exercised this year. Mayor Lundy pointed out some were repaired and asked if they were all repaired. Cooper stated he had one that will be repaired on Thursday the 15th and there are a couple additional that will be done next year. Counselor Smock stated she appreciates everything they have done, and they are doing a great job. Roll call vote: Ayes-Five.

Discussion/Possible Action: Repairs made to Gilbertville Road by Black Hawk County, costs, and proposed contribution by the City of Elk Run Heights. Cathy Nicholas with the Black Hawk County Engineers office presented the repairs that have been done to Elk Run Road and apologized for not returning before the project began for proper approval. Nicholas started by mentioning the 28E agreement with Elk Run Heights for routine maintenance. This agreement is in place for all the surrounding Cities for winter and summer road maintenance and allows for the County to make necessary repairs. A separate agreement with each City is the signed for the portion of costs of permanent improvements. Prendergast stated she would like to see a copy of this agreement. Nicholas agreed it will be emailed. Nicholas continued to explain the repairs that have been completed and went over the cost breakdown stating Elk Run Heights portion is \$47,302.26. Prendergast simplified for Council the situation stating the County completed a road project inside our jurisdiction without a contract and now they are hoping an agreement can be made for the payment of our portion. The City has an option to not pay anything but with the idea of continuing a good working relationship it would be wise to consider paying the City's portion. Due to the financial aspect of this not being budgeted for, the City may be able to request some payment options with the County. Council reflected on the fact that Nicholas had approached them in March of 2019 and they had intended on paying for this project at that time and were only waiting to be notified of the plans and provided with a contract. Councilor Wilson stated he would like the City Engineer Mike Dryden to view plans and specifications. Dryden reviewed the information provided and agreed with the methods used in the work performed. Dryden asked Nicholas if it would be possible to push back the payment date. Nicholas responded yes. Prendergast recommended the County draft a contract and specify the turns of repayment. Council agreed to find a way to pay our portion of the repairs. Councilor Smock stated we would need time to look at the budget and decipher a timeline for repayment.

Discussion: 100 Birdland Drive to hook up to City sewer services. City Attorney Heather Prendergast summarized and stated this is a request from someone outside of city limits wanting to hook up to Elk Run Heights sewer lines due to the Department of Natural Resources not allowing them to replace their existing septic tank. Per Iowa Code we have the ability to provide services outside the city limits by contract; the theory being figure out the cost and make it beneficial to our tax paying individuals. Prendergast stated this is not an easily calculated amount due to the variables involved. There also could be a risk that once you start allowing this there is greater the chance of additional requests, so by choosing this the City is committing to several individuals not just one. Prendergast went on to talk about the possible costs associated with adding hook-ups through out the Ray-mar area and the unknowns related with that. Councilor Ratchford pointed out that the City is not obligated to pay any

portions of the costs incurred for someone outside of the city limits to hook into our sewer system. He then questioned whether this could alter the new sewer plant that is currently in design phase. Prendergast agreed, the additional houses in Ray-mar were not factored into the analysis of the size of current design of the wastewater treatment plant. Mayor Lundy stated there was growth included. It was then noted there is not access to what the population of Ray-mar currently is, which is another unknown factor.

Heath Draeger with PeopleService reiterated what had been stated regarding the property owners paying to have the lines hooked up; and additionally acknowledged it could be difficult for some areas of Ray-mar to run the lines to the existing sewer pipe location. There could possibly be a cost associated to the City if it were decided to run more mains throughout the area. Prendergast added there could be benefits to running mains to the entire group but stated there could also be a huge downside, but we do not have any way of knowing the possible costs. Ratchford stated if we were to run sewer lines the initial investment would be huge, and it would take a long time to get those costs back. City Engineer Mike Dryden stated this would be a perfect opportunity to use an assessment project. Councilor Bass commented perhaps the property owners in Ray-mar would want to annex with Elk Run Heights and we would then be required to provide them services, and if that happened would it be possible to make that a Tax Increment Finance (TIF) District to pay back the cost of adding the infrastructure. Prendergast stated there were several topics within that question. She responded affirming annexation could be a possibility, but we have no way of knowing if it would be beneficial as of this date. That would be a political decision and recommends vesting into that knowledge before making that choice. Continuing Prendergast stated TIF can be used for projects and in theory the incremental revenue you get back pays for the projects, it is usually used for revitalization plans or new home builds. There would need to be more information before knowing if that is something that can be done in this type of situation. Bass added it could be a resolution to the problem if we needed to look at it from a larger scale rather than one or two houses hooking up to the sewer main. The daughter of the owner of 100 Birdland added the circumstances faced by her parents do not apply to everyone in Ray-mar; stating some property owners have enough land to rectify the situation when it arises for them. So not everyone will be in need to hook up to Elk Run Heights sewer. Prendergast stated that means a voluntary annexation may not apply if this situation as first assumed. And with the possibility of it being random houses throughout Ray-mar it would be even more discouraged. Lundy pointed out if they are willing to pay all the costs, she did not see why it would be a problem. Councilor Smock asked Dryden if the City would incur any costs. Dryden responded no. Prendergast stated by state code we would need to enter into a contract with each individual property owner, and would want the contract to be devised and constructed with the intent of multiple people coming forward with the same request. Mayor Lundy advised this is done in the City of Waterloo and we could contact them for a sample copy of an agreement. Council agreed with this and conceded with 100 Birdland Drive hooking up to our sewer.

Ratchford/Wilson to approve resolution 3032 authorizing the payment of bills and transfers. Roll call vote: Ayes-Five.

Ratchford/Bass to approve resolution 3033 approving the City of Elk Run Heights Audit Committee Policy. Council discussed the possibility of changing the appointment terms to 2 years but decided to leave as is. Roll call vote: Ayes-Five.

Ordinance 268 an ordinance amending the code of ordinances of the city of Elk Run Heights, Iowa, by amending provisions pertaining to title 10 Vehicles and Traffic, Chapter 10.04 Traffic Code, Article IX. Parking, Section 10.04.440 Residential Parking. Councilor Bass questioned the wording on section 9 exceptions, wanting to know how it will be enforced. It was agreed to have City Attorney Heather Prendergast revise the section to be more specific. Ratchford/Wilson motion to approve the first reading of Ordinance 268 with proposed changes to ensure the grandfather provisions applies to driveways only. Roll call vote: Aye-Four. Nay-Bass. Motion carried.

Motion failed, to suspend the rules requiring the 2nd and 3rd reading and place on file final adoption of Ordinance 268. Motion failed, to adopt Ordinance 268. Motion failed, to post Ordinance 268 instead of publishing as allowed per Chapter 1.16.020, Public posting in lieu of publication.

Ratchford/Smock to approve request from City Clerk to renew health insurance with Wellmark and sign said documents. City Clerk Eastman stated there was an increase in the plan of 10.39%. Councilor Smock indicated she had requested the Clerk investigate other providers for comparison. Eastman responded there are no other options or providers who would cover a group of two. Eastman also requested to renew with a new dental plan that includes orthodontics. Councilor Ratchford asked how much of an increase this would be. Eastman answered possibly a couple hundred dollars for the year at the most. Councilor Ratchford asked if this is something that can be switched back to the cheaper of the plans once it is no longer needed. Eastman answered yes. Ayes-Five. Motion carried.

Ratchford/Bass to approve request from Street Maintenance Superintendent to have Aspro, Inc. repair parts of Dubuque Road in the existing concrete roadway at 5 locations for an amount not to exceed \$1,250.00. Ayes-Five. Motion carried.

Ratchford/Smock to approve request from Street Maintenance Superintendent to have Aspro, Inc. repair the intersection of Amber Lane and Shirley Drive by putting 4” of asphalt patch in an amount not to exceed \$910.00. Ayes-Five. Motion carried.

Ratchford/Sallis to approve request from Street Maintenance Superintendent to have Frickson Bros. Excavating to grade the shoulder of Dubuque Road in an amount not to exceed \$1,500.00. Councilor Ratchford explained this is necessary and our equipment is not equipped to handle this type of job. Ayes-Five. Motion carried.

Smock/Ratchford to approve request from City Clerk to purchase a better-quality camera with clearer zooming capabilities for the camera at the rear of the building from Electronic Engineering in an amount not to exceed \$1,209.95. City Clerk Eastman explained the new camera will be able to read license plates. Ayes-Five. Motion carried.

Discussion: Possible date to begin sump pump inspections. City Clerk Eastman stated she had spoke with the Building Inspector and they had begun inspections again in Evansdale. It was acknowledged this has a time restraint and needs done as soon as possible and agreed to start moving forward on this again. Councilor Smock asked if we should make it a requirement to wear personal protective equipment while doing these inspections. Council agreed any City employee should be wearing a mask anytime they enter a resident’s home.

Review of City Ordinance. a. A Standard Penalty section will be established in Chapter 1. 1.14 STANDARD PENALTY. Unless another penalty is expressly provided by this Code of Ordinances for violation of any particular provision, section, or chapter, any person failing to perform a duty required by this Code of Ordinances or otherwise violating any provision of this Code of Ordinances or any rule or regulation adopted herein by reference shall, upon conviction, be subject to a fine of at least \$65.00 but not to exceed \$625.00. The court may order imprisonment not to exceed 30 days in lieu of a fine or in addition to a fine. (Code of Iowa, Sec. 364.3[2] and 903.1[1a]) City Attorney Prendergast recommended removing the imprisonment portion stating most city’s have taken this section out as well. Council agreed. Ayes-Five. Motion carried.

Public discussion: Police Chief Dean stated the City of Evansdale has now implemented a GPS system into their City vehicles. With that they are now able to provide a spreadsheet showing the number of hours and miles spent the Evansdale Police are patrolling inside Elk Run Heights city limits.

Mayors/Council/Engineer Reports. Mayor Lundy reminded everyone of the dog walk coming up. Lundy then asked everyone to look at their calendars and pick a date to do a joint council meeting with Raymond to go over the final plans and specifications for the new sewer plant. Everyone agreed November 2nd or 9th would work and advised the Clerk to set things up. Councilor Bass asked why the culvert at Gilbertville Road and Elk Run Street had not been fixed yet. Lundy stated she would talk to the Street Maintenance Superintendent Thomas James and get that taken care of. Mike Dryden informed Council his firm was purchased by Willett Hoffman and Associates.

Ratchford/Bass to adjourn at 7:41 p.m. Ayes-Five. Motion carried.

Attest:

Kristi Lundy, Mayor

Julie Eastman, City Clerk