

City of Elk Run Heights
Regular Council Meeting
Eddis Winstead Council Chambers
November 8, 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 – Bass, Ratchford, Wilson, Smock and Heth. Quorum present. Bass/Heth motion to approve the November 8, 2016 Agenda. Ayes – 5. Motion carried.

Heth/Ratchford motion to accept the Consent Agenda approving the October 11, 2016 regular council meeting minutes, the November 1, 2016 special meeting minutes, accept the City Clerk's Report, Investment Report, the Revenue and Expenditure Reports as of October 31, 2016 as presented, approve Resolution 2827 approving and authorizing the payment of city bills, approve the Building Inspector's October 2016 monthly report. Roll Call: Ayes – 5. Motion carried.

Mayor Swope introduced Jason Miller, of MSA Engineering. Jason requested a meeting with the council to give an update of the waste water treatment plan and how the DNR is moving forward. Jason indicated the City's new DNR Permit will be coming with additional provisions attached to it. Jason supplied council with a copy of the Elk Run and Raymond flow chart. Jason stated the flow evaluation for years 2013-2016 shows Elk Run's system runs pretty tight without out much infiltration, however; Raymond has substantially more. He added Raymond is aware of the situation and are addressing it. Jason stated his first concern is the smell issues. Generally if there is a noticeable high strength waste smell that means there is a problem somewhere. Jason recommended a sampling of the collection system in businesses in town to isolate where the problem lies. Jason stated his second issue is the flood zone. FEMA has determined the plant lies in a flood zone and with any updating they will require increasing the elevation. Jason added the next step is getting the new DNR permit. The permit will be stricter then it is now and MSA will come back with a compliance schedule, a cost estimate for updating the plant and help to determine a cost from the City of Waterloo. Ratchford ask how within last five years the smell could be an issue with no substantial growth. Jason replied it is caused by fats, grease and oil and comes from businesses. Jason is not speculating that it is from one place or another but suggest we have a contract with the businesses that they will treat and remove the fats, grease and oil equal to residential customers so that it is fair for all. His understanding is we have a pre-treatment contract with the Truck Stop and the DNR has some concerns there. Bass questioned if the City could get help with cost. Jason stated almost every city in the state is being forced to comply and it is an unfunded mandate from the State. Smock ask the time line for the next evaluation. Jason indicated three months. Bass shared concern with the city not having a current permit for many years. Jason replied the city is operating under our old permit and we are 100% in compliance. Mayor Swope mentioned the City is putting money away in a capital fund for updating or new Waste Water Treatment Plant.

City Attorney Heather Prendergast discussed her review of the Redflex Speed Camera Contract, along with Attorney David Hosack, and has many concerns and issues that are not acceptable to her. She is unsure as to if the city would be able to come to an agreement with Redflex. Smock ask council if they are still interested in the contract. Bass wants to hear if it is legal and enforceable. Heth believes there

are other enforceable options available before automatic enforcement is undertaken. He would support a higher percent of hours that law enforcement is engaged in radar enforcement. Smock ask if council should table this and not spend more money on the attorney fees. Wilson agreed. Ratchford would like a good contract with Redflex. Ratchford reviewed the police report that shows forty-nine citations were wrote in a four month span. He continued the Redflex study showed we had 600 speeders in front of city hall in a 12-hour span. His point being police enforcement has not put a dent in the speeding problem on Lafayette Road. He added he is open to other suggestions but not at a cost to the taxpayers. Council discussed other options available for controlling speeders. Smock noted in her discussions with resident they are not in favor of the speed cameras for fear of the increase of traffic on the side roads. City Engineer Mike Dryden questioned the validity of the Redflex speed study. Wilson stated if we are really concerned about safety, kids and walkers and we have to pay more money as a city to be safer, he is for that instead of the speed cameras. Smock stated if we are looking at re-engineering our roads we need to look at ways to force the traffic to go slower. Bass suggested a three-way stop on Amber and Elk Run Street. Ratchford questioned if an Ordinance is needed for stop signs. Attorney Prendergast replied yes and a Public Hearing. Ratchford ask what if home owner says no to stop signs. Attorney Prendergast stated the City can still do this. Heth wondered why truck Ordinance put on the back burner when the weight is battering the roads. Mike suggested reduce the lane width and add a walk/bike lane and explained cities are going to smaller lanes to increase and improve pedestrian traffic. Resident Arlan Schellhorn, 216 Sutton Ave, does not agree with the survey and the Lafayette Road speed is too low, also possibly too low on Gilbertville Road. Arlan added Gilbertville Road is not residential street but a thru street, explaining residential street is 30 mph or less, a thru street is 35 mph or more. Arlan is not for speed humps but is for a stop sign on corners of Gilbertville/Marie Avenue and Gilbertville/Elk Run Street. Arlan stated a stop sign violation is more money. Chief Jensen noted the cost for non-stop ticket is \$195.00. Resident Gene Edler, 424 Gilbertville Road, no longer supports speed cameras; he favors speed bumps on Amber Lane and Marie Avenue. Merlyn Schmidt reminded council take time and do it right the first time. Resident Robert Hertges, 303 Gilbertville Road, is against stop signs but for humps. Resident Pat Winderg, 225 Sunrise Lane, pointed out there have been no accidents therefore – no issue. Pat felt we were making something more of what it really is. Resident Denise Orona, 127 Sutton Avenue, felt this was personal for Ratchford since he lives on Gilbertville Road and his business is on Lafayette Road. Ratchford replied data doesn't lie and not personal only safety concerns. Denise thinks speed humps work. Smock ask Mike if it makes sense to do speed humps prior to redoing Gilbertville Road. Mike replied speed humps are not expensive. Smock suggested placement on Gilbertville Road and Lafayette Road. Mike will get the cost for this. Heth wants to prevent child endangerment; increased speed results in much longer stopping distances. Zach Ratchford grew up on Gilbertville Road and never felt safe and felt the City is being reactive rather than proactive. He stated he is in favor of the Redflex contract. Attorney Prendergast pointed out the City would have to re-negotiate and at the end of the contract the City would no longer have the software and would have to pay the remainder of the \$240,000. It seemed like a bait and switch to her. Attorney Prendergast warned the council that there are other hidden costs associated with the cameras that they have not thought about such as suing the city. She feels the City cannot afford the litigation of a lawsuit and cannot afford Redflex. Mike stated the State identifies dangerous intersections first then makes corrections – traffic control is a reactive process. Bass asked what was wrong with a stop sign. It could be a cheap fix. Heth felt the stop signs may result

in more noise for adjacent neighbors, with the traffic stopping and starting all the time. Smock ask Mike for suggestions to the placement of stop signs. Mike offered at the intersection of Amber Lane and Marie Avenue and added a stop sign is most cost effective.

Smock/Wilson motion to table the Redflex Contract discussion indefinitely. Roll call: Ayes – 5. Motion carried. Smock ask for action on the stop signs. Attorney Prendergast clarified the streets involved Gilbertville Road/Amber Lane and Gilbertville Road/Marie Avenue. Heth ask if Marie Street and Elk Run Street should be considered. Smock agreed with Heth. Mayor Swope suggested starting with Gilbertville Road first. Ratchford/Bass motion to set the Public Hearing for an Ordinance Amendment to the Traffic Ordinance for stop signs to be placed on Amber Lane and Marie Avenue to be held at the December 13th regular council meeting. Roll Call: Ayes – 5. Motion carried.

Council reviewed the golf cart and ATV ordinances. Attorney Hosack ask council if they wanted to permit snowmobiles. Attorney Prendergast stated there was no route, enforcement would be difficult and would require a fee and there would be wear and tear on roads. Ratchford added resident yards would be used. Heth stated he had no interest in allowing ATVs or golf carts on city streets, only UTVs which have many more safety features. Attorney Hosack stated Codes for these are by each other in the State Code. Ratchford does not like snowmobiles. Resident Merlyn Schmidt, 216 Marie Avenue, thought snowmobiles were a safety problem. Smock felt snowmobiles needed regulations. Wilson noted they tear up roads. Smock ask if the City had anything on the books for snowmobiles now. City Clerk Lundy replied the city already has an ordinance for snowmobiles. Heth approved of UTVs due to their enhanced safety equipment, especially their rollover protection. Attorney Prendergast ask council if snowmobiles should be stricken from the Ordinance, council replied yes and an initial fee of \$20.00 with yearly renewal fee of \$5.00 for ATV/golf cart be added to the ordinance.

Wilson/Ratchford motion to set the Public Hearing for Ordinance 242 adding a new chapter entitled All-Terrain vehicles to regulate the operation of all-terrain vehicles within the City of Elk Run Heights. Ayes – 5. Motion carried.

Ratchford/Wilson motion to set the Public Hearing for Ordinance 243 adding a new chapter entitled Golf Carts to permit and regulate the operation of golf carts within the City of Elk Run Heights. Ayes - 5. Motion carried.

Heth/Ratchford motion to set the Public Hearing for the sale of City owed real property Lot 9 in the Elk Ridge Estates First Addition to be held December 13, 2016. Ayes – 5. Motion carried.

Ratchford/Wilson motion to go into closed session according to Iowa Code 21.5 (c) and (j) to discuss the purchase of real property at 8:35 p.m. Ayes – 5. Motion carried.

Ratchford/Wilson motion to return to regular session at 8:40 p.m. Ayes – 5. Motion carried.

Wilson/Heth motion to authorize the Attorney and Mayor to proceed with the proposal to purchase real property located at 5303 Lafayette Road for \$13,000.00. Ayes – 5. Motion carried.

Mayor Swope pointed out his five year plan for street repair to the council. Mayor Swope commented there is a resident who will not let the City enter his home for the radio meter installation. Attorney Prendergast noted this is a municipal infraction suggesting Chief Jensen go with the employees to install the new meter. Mayor Swope asked if the council would be receptive to two council meetings a month. Ratchford is not in favor of this and feels a special meeting is better. Smock /Wilson are in favor of two meetings. Heth felt that the number of more complex issues deserve more discussion time. Ratchford mentioned that would mean more taxpayer money. Resident Merlyn Schmidt felt if there was control of the monthly meeting all could be done in one meeting. City Clerk Lundy will put this on the December Agenda for more discussion.

During Old Business Smock stressed during her walks around the City residents have ask about an increase in the Lafayette Road speed limit to 30 or 35 mph coming from Evansdale. Smock requested this be put on the December Agenda. Chief Jensen was asked his personal opinion on this. Chief Jensen replied yes it should be increased. Heth questioned if the Building Inspector had been contacted regarding fence inspection after they are built, to ensure ordinance construction compliance. Mayor Swope replied no. Bass ask if employees mow at the plant. Mayor Swope replied yes and the field is baled.

Ratchford/Heth motion to adjourn at 8:47 p.m. Ayes – 5. Motion carried.

Tim Swope, Sr., Mayor

ATTEST:

Kristi Lundy, CMC, City Clerk