

CITY HALL  
EVANSDALE, IOWA, JULY 21, 2015  
CITY COUNCIL  
DOUG FAAS, MAYOR, PRESIDING

The City Council of the City of Evansdale, Iowa met in regular session, according to law, the rules of said Council and prior notice given each member thereof, in the Council Chambers of City Hall of Evansdale, Iowa at 6:00 P.M. on the above date. Council members present in order of roll call: Loftus, Walker, Nichols, Seible, and Dewater. Quorum present.

Loftus/Seible approved the July 21, 2015 agenda. Roll call vote: Ayes-Five. Motion carried.

Walker/Dewater approved the following items on the July 21, 2015 consent agenda: a) Approval of July 7, 2015 regular meeting minutes b) Resolution 5839 authorizing payment of bills and transfers, c) Approval of a liquor license for Casey's #1084, License effective 09/04/15; Station Mart, River Forest Rd., and Station Mart, Lafayette Rd. ownership change. d) Accept and place on file the minutes and reports from the following Departments, Boards, and Commissions (n/a = not available): Ambulance/Fire (June), Building Inspection (June), Clerk/Treasurer (May), Parks & Rec (June/July), Police Dept (June), Library (June), Water Works (June), Evansdale Municipal Housing (June), Hardship & Grievance (n/a), Planning & Zoning (n/a), Storm water (n/a). Roll call vote: Ayes-Five. Motion carried.

Dewater/Seible to approve request from Evansdale Youth Sports Association for fireworks permit for July 22, 2015 on property located at Evansdale Youth Sports Complex. Ayes-Five. Motion carried.

Loftus/Walker to approve request from Amvets Post #31 to hold White Clover Drive collection point on August 21<sup>st</sup> and 22<sup>nd</sup>, 2015 at intersections of Lafayette/Evans Rd., and Central/River Forest Rd. Ayes-Five. Motion carried.

Loftus/Walker to approve request from Knights of Columbus to hold Tootsie Roll Drive on September 18<sup>th</sup> and 19<sup>th</sup>, 2015 at intersections of Lafayette/Evans Rd. and River Forest Rd./W. Gilbert Drive. Ayes-Five. Motion carried.

Loftus/Seible to approve request from Cedar Valley Trail Bike Riders for police officers assistance on the 15<sup>th</sup> of August, 2015 from 9:00a.m.-11:00a.m. at the intersection of Central Ave., and Evans Rd. Ayes-Five. Motion carried.

Seible/Loftus to approve Resolution 5840 preliminary plans, specifications, form of contract, and cost estimate for Gilbert Drive and River Forest Road intersection Project; and setting date of bid letting for July 29, 2015 at 2:00 p.m. and of public hearing August 4, 2015 at 6:00 pm; and authorizing engineer to advertise for bids for said project. Jerry Shoff, Shoff Engineering, gave a brief overview of the project and project cost. He discussed the primary purpose of the project that would enable truck traffic to access the facility at the new Kwik Star. Councilman Seible questioned if there would be a cost share with Kwik Star on the project. Mayor Faas stated that the city has proposed a cost share on the project and that Kwik Star is handling all the deeds needed for the acquisition of the property to allow the city to proceed with the project. Councilman Nichols questioned if W. Gilbert Drive holds a rating for truck traffic. Jerry Shoff answered yes. Jerry Shoff also gave an update on the Dubuque Rd. Bridge Project, stating that the West bound bridge would be open soon, however the contractors will have to return to the project due to an extension part not being ordered in time to finish the project. Roll call vote: Ayes-Five. Motion carried.

Walker/Seible to approve authorization for Mayor to sign a Memorandum of Understanding and Grant Application with INRCOG for grant writing service for a REAP grant for the Meyers Lake Shoreline

Rehabilitation Project. Councilman Nichols questioned project plans. Mayor Faas explained the project and distributed preliminary plans and photos of the project. Councilman Walker questioned if the low spot in the sidewalk/trail could be raised as there is a 2 ½ feet lower section that has caused flooding to the homes on the north side of the lake and would help alleviate possible flooding in the future. Jerry Shoff stated that it could be considered as part of the project. Roll call vote: Ayes-Five. Motion carried.

Loftus/Seible to approve request to reimburse retired officer of purchasing his duty weapon. The Mayor explained that it is common practice for other law enforcement departments in Iowa to present the officer his duty weapon upon retirement. The duty weapon, purchased previously by Rick Reuter, would be reimbursed in an amount not to exceed \$400. Councilman Nichols debated the reimbursement of the duty weapon and asked if we would present a retiring street department worker a dump truck, if you set a precedence, where will it end. Councilman Dewater stated, more than once, that it is considered by the council on a case-by-case basis. Councilman Loftus disagreed with Mr. Nichols argument and was in favor to reimburse Reuter for his officer weapon. Ayes-Four. Nays-One (Nichols). Motion carried.

Seible/Loftus to approve Resolution 5841 amending Commercial Rebate Plan. Mayor Faas explained the need to decrease the percentage of the rebate from 100% to 85% due to state regulations to amend the TIF area every time we approve a development agreement for a commercial rebate. The city spends a percentage in legal fees each time we approve a new commercial rebate in a TIF district. Councilman Dewater asked who had advised of this. Mayor Faas stated that it was bond council. Additionally the city cannot recover 3.65% of costs due to Iowa Code. Roll call vote: Ayes-Four. Nays-One (Dewater). Motion carried.

Walker/Dewater to approve Resolution 5842 amending Residential Tax Abatement Policy and Application. Mayor Faas stated that we are just clarifying the amount of the abatement for residents that make improvements to an existing structure. The abatement for remodels will be for 4 (four) years at 50% of the increased assessed value not to exceed \$75,000. Chad Deutsch, 237 Trail Ave., stated that the council had already approved the initial percentage. Mayor Faas stated that the Black Hawk County Assessor's office has contacted us several times for clarification of the residential improvements policy. Councilman Walker, questioned if we were changing what we are doing for residents, Mayor Faas said no, just establishing an amount that has not been established previously. Roll call vote: Ayes-Five. Motion carried.

Discussion/possible action: set fair market value for city-owned land. The Mayor expressed concern after questions were brought up at the last meeting in regards to selling city-owned property for \$1. After some research and consultation with the Iowa League of Cities we would like to propose a fair market value of \$.10 per square foot for unbuildable land only. Councilman Seible questioned if we want to entertain placing a sign on the property we recently approved to sell to BPI on the corner of Evans and Dubuque road as the sign currently located there possibly could be utilized in the future for the City of Evansdale. Loraine Atkins, 625 River Forest Rd., questioned the process of selling city owned property. After said discussion. No action took place.

Loftus/Walker approved Resolution 5843 to establish a per square foot fair market value price for city-owned unbuildable land. Councilman Nichols expressed concern with the amount we are establishing for the unbuildable land and that a bid process should be followed and didn't care what the State of Iowa Code stated in regards to the sale of property, "it's the City of Evansdale." Councilman Loftus is concerned with the expense the city would have to go through to advertise the property of an adjoining property that has been vacant for several years. Councilman Dewater and Walker expressed concern that the council has already approved the sale of land to BPI in the amount of \$1 and we should adhere to the motion of the council and also stated that we have regularly sold city-owned property for \$1. Craig Ament, City Attorney, stated the Mayor is accurate in that if we consider the \$1 sale of city-owned property that it could be considered as a gift, since it wasn't sold at fair market value, and that there could be repercussions to selling

it at the amount approved. But would recommend that we sell the land as originally approved by council to the affiliates of Building Products, Inc. as we have already passed the resolution to sell the land. Councilman Seible stated that he didn't believe we passed a resolution knowing all of the facts of the sale of the property. Councilman Loftus stated that we need to consider the sale of city-owned property in order to get the land on the tax roll. Councilman Dewater stated that we have agreed to sell the land to BPI affiliates and should stand with our word, we could have a future discussion on the subject. Roll call vote: Ayes-Two. Nays 3 (Nichols, Seible, and Dewater). Motion failed.

The general consensus of the council was to allow the sale of city-owned property to BPI and its affiliates for \$1 as passed and adopted at the July 7, 2015 council meeting.

Rescind Resolution 5825 setting date of public hearing as of July 7, 2015 to dispose of city property in the amount of \$1.00 to Leejan Family Limited Partnership. Motion failed due to lack of motion.

Rescind Resolution 5826 setting date of public hearing as of July 7, 2015 to dispose of city property in the amount of \$1.00 to Lee Schull. Motion failed due to lack of motion.

Rescind Resolution 5834 approving sale of city property located in Technology Park Phase I to Lee Schull (Building Products, Inc.). Motion failed due to lack of motion.

Rescind Resolution 5835 approving sale of city property located in the Randall's Addition to Leejan Family Limited Partnership (Building Products, Inc.). Motion failed due to lack of motion.

Resolution 5844 setting date of public hearing as of August 4, 2015 to dispose of city property in the amount of \$227.00 to Leejan Family Limited Partnership (Building Products, Inc.). Motion failed due to lack of motion.

Resolution 5845 setting date of public hearing as of August 4, 2015 to dispose of city property in the amount of \$1,001.00 to Lee Schull (Building Products, Inc.). Motion failed due to lack of motion.

Resolution 5846 setting date of public hearing as of August 4, 2015 to dispose of city property in the amount of \$1,001.00 to Leejan Family Limited Partnership (Building Products, Inc.). Motion failed due to lack of motion.

Rescind Resolution 5836 setting date of public hearing as of July 21, 2015 to dispose of city property, known as Lot No. 8, Roosevelt Court Subdivision, in the amount of \$1,000.00 to Stand Seda. Motion failed due to lack of motion.

Rescind Resolution 5837 setting date of public hearing as of July 21, 2015 to dispose of city property, known as Lot No. 9, Roosevelt Court Subdivision, in the amount of \$1,000.00 to Daniel Scoggin. Motion failed due to lack of motion.

Walker/Dewater to approve Resolution 5846 setting date of public hearing as of August 4, 2015 to dispose of city property, known as Lot No. 8, Roosevelt Court Subdivision, in the amount of \$923.00 to Stand Seda. Roll call vote: Ayes-Five. Motion carried.

Dewater/Seible to approve Resolution 5847 setting date of public hearing as of August 4, 2015 to dispose of city property, known as Lot No. 9, Roosevelt Court Subdivision, in the amount of \$1,059.00 to Daniel Scoggin. Roll call vote: Ayes-Five. Motion carried.

Dewater/Loftus to approve Resolution 5848 fixing compensation for EMT and welcoming Jason Picha to the City of Evansdale. Councilman Seible questioned whom was involved in the process and wanted clarification on the steps for a new hire. Councilman Nichols expressed concern that the personnel committee wasn't allowed to approve the salary amount for the new EMT and stated that the Mayor is overstepping his authority. The Mayor stated that the committee had a lot of conversations about a lot of positions at that time. Councilman Dewater stated that he had had a conversation with the Mayor in regards to the wages and was in agreement. Councilman Loftus stated that the city has hired the right man for the position. Roll call vote: Ayes-Five. Motion carried.

Dewater/Walker to approve the purchase of additional recycle carts. DeAnne Kobliska, City Clerk, expressed the need for additional carts as the current supply had been depleted since we have went with automated curbside recycling. Roll call vote: Ayes-Five. Motion carried.

Discussion: The Mayor stated that he would be meeting with FEMA in regards to improvements throughout our city. Councilman Nichols had an argument with the way the water management code is written, he believes that everyone that owns a piece of property, even if vacant, in the City of Evansdale should be responsible for the fees set forth for the homeowner and landlords. Sandy Clement, Office Manager-Water Works, stated that the fees are set forth only for property owners that have a dwelling, and would be nearly impossible to keep a database for every vacant lot.

Councilman Seible announced the installation of the fountains in Meyers Lake and that the diffusers will be installed this next week that will clean and oxygenize the lake. We have received a lot of positive feedback from the community and it is something we should all be proud of. Kobliska thanked Seible for all of his hard work on the project. Loraine Atkins, 625 River Forest Trail, reminded the audience of the Red Cross Blood Drive to be held at the Amvets in Evansdale on the 30<sup>th</sup> of July.

Chad Deutsch, 237 Trail Avenue, thought that he was going to have an agenda item in regards to the city continuing to pursue reimbursement for the back social security taxes owed in the amount of \$4,082, and that he was told there would be some resolve after the city checked with the city auditor. The Mayor stated that we had just received the letter from Chad's CPA, and we were still discussing what stand the city wanted to take. The council asked that this item be on the next agenda.

There being no further discussion, Loftus/Seible to adjourn the meeting at 7:42 p.m. Motion carried.

**ATTEST:**

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**Doug Faas, Mayor**

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**DeAnne Kobliska, City Clerk**