

CITY HALL
EVANSDALE, IOWA, NOVEMBER 6, 2019
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, Dewater, Seible, Bender, and Walker. Quorum present.

Loftus/Seible to approve November 6, 2019 agenda. Ayes-Five. Motion carried.

Dewater/Walker to approve the following items on the November 6, 2019 consent agenda. a. Approval of October 15, 2019 regular meeting minutes. Roll call vote: Ayes-Five.

Seible/Dewater to approve Resolution 6358 authorizing payment of bills and transfers. Councilor Seible questioned the repairs made by Frickson on the force main on Trail Ave. and intake repairs. Mayor Faas responded that the Trail Ave. repairs was approved via email as the force main needed to be repaired immediately. Chris Schares, Public Works Director, stated that the intake repairs were made in Timber Creek as scheduled maintenance. Roll call vote: Ayes-Five.

Dewater/Loftus to approve Resolution 6359 approving the FY2019 Annual Financial Report. Roll call vote: Ayes-Five.

Bender/Seible to approve Resolution 6360 approving the placement of a street light on the west corner of 250 Feldt Avenue. Roll call vote: Ayes-Five.

Walker/Loftus to approve Resolution 6361 approving the transfer of funds from NW TIF District to the Home Acres TIF District to satisfy a loan agreement from FY2018 as budgeted for FY20. Roll call vote: Ayes-Five.

Walker/Bender to approve Resolution 6362 setting compensation and hiring as a full-time Police Officer, Tanner Jones. Mayor Faas introduced Officer Jones. Officer Jones stated that he was from Nevada, IA and that he had been a part-time officer since June 2018 for the City and recently graduated from the Police Academy. Roll call vote: Ayes-Five.

Dewater/Bender to approve Resolution 6363 approving weed and mowing assessments. Roll call vote: Ayes-Five.

Seible/Bender to approve Resolution 6364 setting date of public hearing for November 19, 2019 at 6:00 p.m. for the plans, specifications, form of contract and estimated total cost for the Lafayette Road Rehabilitation Project. Mayor Faas discussed the minor changes that had been made to the preliminary plans and that the plans would be available next week for review. Councilor Seible questioned if the project would be covered by MPO funds and what the total cost of the project was. Faas responded that it was quoted at \$2.1 million but looked as if it would come in a lot less than the engineers estimated. Seible questioned if it was necessary to widen the lanes to 12 feet. Faas responded that 10 foot lanes were narrow and built for traffic in the 30's and 40's. Seible questioned if the council could review a quote for a 10-foot-wide roadway as well. Faas responded that it would reduce the cost of the project by possibly \$600,000, but that may be a high estimate. Scott Strader, 1515 W. Gilbert, questioned if the residents will receive a chance to comment on funds spent on this project. Faas responded that the public hearing would be held on the 19th of November. Mark Atkins stated that the citizen's opinions should be heard regarding this project and that the roadway had been 10 foot lanes for years and has worked. Councilor Walker questioned what Councilor Seible's opinion was on the narrower lanes. Seible responded that it had worked in the past. Roll call vote: Ayes-Five.

Dewater/Bender to approve Resolution 6365 amending sewer and garbage deposit rates. Councilor Seible questioned the increase. Clerk Kobliska responded that if a resident moves away and doesn't pay their utility bill it helps recover funds. Mark Atkins, questioned if the City was receiving interest for the funds reserved for the deposits. Mayor Faas responded that he would need to ask the water works board. Roll call vote: Ayes-Five.

Ordinance 668 approving modification to Chapter 55.03 Animal Neglect, first reading. Mayor Faas stated since we were coming into inclement weather that a motion to suspend the rules be made. Roll call vote: Ayes-Five.

Walker/Dewater to approve suspending the rules for Ordinance 668 approving modification to Chapter 55.03 Animal Neglect. Roll call vote: Ayes-Five.

Loftus/Seible to approve the adoption of Ordinance 668 approving modification to Chapter 55.03 Animal Neglect. Roll call vote: Ayes-Five.

Dewater/Loftus to approve request from Mayor Faas to enter into an agreement with Bolton & Menk, Inc. for the preliminary plans and design for the Arbutus and East End Lift Station Generator Project in the amount of \$9,795. Councilor Seible questioned if we could get quotes from companies that deal with generators for the project. Mayor Faas responded that it was required by the IDNR to have an engineer work on the project. Ayes-Five. Motion carried.

Dewater/Bender to approve request from Mayor Faas to enter into an agreement with Bolton & Menk, Inc. for the preliminary design plans and Concept Statement for the rehabilitation of W. Gilbert Drive in the amount of \$34,733 and authorize the Mayor to sign said agreement. Mayor Faas stated that in order to apply for MPO funds in the amount of \$4.4 million in years 2024/2025 preliminary design plans would have to be received by March 1, 2020 according to DOT specifications to be considered for funds. However, Bolton & Menk would prepare plans for the complete rehabilitation of W. Gilbert Drive which would cost upwards of \$11 million. Councilor Seible questioned if the \$4.4 million would be the only funds received toward the project. Faas responded that the City could address the worst part of the road from River Forest Rd. to Evans Rd. but the plans have to be in place for any of the roadway to be addressed. Seible stated that he didn't think that W. Gilbert Dr. was in that bad of shape. Faas responded that this project is five years away and that if one would drive down the road you would see the damaged areas of the roadway, especially at the intersections. Councilor Walker questioned if during one of the sub-panel repairs the contractor found that railroad ties had been used as the base for backfill. Faas responded that yes railroad ties were used and they had rotted out underneath undermining the roadway. Mark Atkins stated that the roadway was poured in wet weather conditions and that a lot of it wasn't poured with enough concrete. Councilor Dewater stated that we were able to rehabilitate Dubuque Rd. with the same type of funds and in the end received additional funding. Ayes-Five. Motion carried.

Seible/Bender to approve request from Mayor Faas to enter into an agreement with 3E for a Preventative Maintenance Agreement in the amount of \$600 for the annual maintenance of the generator at the Community Response Center and authorize the Mayor to sign said Agreement. Councilor Seible questioned if a better rate could be locked in if the agreement was more than a year. Mayor Faas responded that he would check. Ayes-Five. Motion carried.

Dewater/Loftus to approve request to accept sealed bids on 2009 Dodge Charger with a starting price at \$2,500 to be delivered to City Hall by 4:00 p.m. on November 20, 2019. Councilor Dewater questioned if the asking price was too high. Mayor Faas responded that the price was under blue book price of \$5,200 but that council should set the starting price. Ayes-Five. Motion carried.

Dewater/Loftus to approve request from City Clerk to purchase new computer for the Deputy Clerk from Computer Troubleshooters in the amount of \$1,149.00 as budgeted for FY2020. Ayes-Five. Motion carried.

Seible/Walker to approve request from Earnest & Jennifer Mahan for city participation in the Evansdale 2nd Annual Christmas Light Contest in the amount of \$600; funds to be disbursed from the Hotel/Motel fund. Ayes-Five. Motion carried.

Public discussion: non-agenda items: Scott Strader, 1515 W. Gilbert Dr. stated that last winter the sidewalks were not cleared from Timber Oak to Burr Oak and wanted to ensure that the City was going to enforce their Ordinance on sidewalks this year. Mayor Faas responded that it wasn't part of the trail way and it was the homeowners responsibility to clear the sidewalk. Strader stated that the city should clear the sidewalk and invoice the homeowner if not cleared. Faas stated that our Ordinance needed amending to only allow one warning for mowing and clearing of sidewalks per season so subsequent violations would be handled in a timely manner. Councilor Seible requested that we amend the Ordinance and be proactive. Councilor Walker stated that we should give homeowner 48 hours to clear their sidewalks and if no response the City clear the sidewalk so the kids going to the bus have a place to walk. Mark Atkins questioned why the city hasn't widened 6th Street so there is a place for the children to stand and wait for the bus, it is dangerous. He also questioned if the city was taking advantage of the 11% discounts available at Menards. Faas responded yes. Councilor Walker questioned Mr. Atkins on what he was implying. Atkins stated that it didn't appear the City was taking advantage of the discount by the invoices they were paying. Walker stated that no one in the City was pocketing the money.

Mayor/Council Reports: Mayor Faas stated city updates as follows: the AECOM report was received regarding our no-rise certification for the roadway to the Waste Water Treatment Plant and the summary states that the City wouldn't be able to meet the DNR requirements. He also stated that the original no-rise was performed by CGA and AECOM, however, McClure stated that we needed to have it completed again with the new DNR regulations. Councilor Dewater questioned if the council approved this new report. Faas responded yes. Councilor Seible questioned why this was coming up again when initially the engineers stated that we would meet the no-rise. Seible also questioned the pipe that would be placed under I-380 and wondered if the DOT had approved the placement. Faas responded that there were a couple different options for discharge and the engineers were reviewing the best feasible option. Faas also stated that the DOT had given the approval to discharge under I-380 for the discharge of Meyers Lake storm water.

Councilor Dewater questioned the status of coming into compliance with the business located at 945 Mc Coy. Mayor Faas responded that we hadn't sent out another letter as when they signed the 1st agreement with the City after their hearing another notice isn't required but the City can take action. Councilor Bender questioned that an additional certified letter was to be sent giving them 14 days to come into compliance and then the City would take action. Faas responded that if the City sent out another letter the process would start all over and they already agreed to come into compliance with the first agreement that was signed. Councilor Seible questioned if the other properties that were brought up at the last meeting were addressed. Faas responded no. Seible stated that it wasn't fair to the property on Mc Coy if the City isn't addressing the other properties in town that are not in compliance. Councilor Walker questioned why the other properties in town were not issued a letter or a warning to come into compliance as the council requested. Seible stated that the business located on Mc Coy has been in business for years and wondered why it was now an issue. Faas responded that it was a new business and hasn't been in compliance with the City's Ordinance and that if we send another letter to come into compliance that the process starts all over again. Seible questioned what the City Attorney's opinion is. Faas responded that since they signed an agreement to come into compliance it is perfectly legal for the City to shut them down since they haven't come into compliance. Dewater stated that when the hearing was held, they agreed to come into compliance and haven't. Mark Atkins stated that it wasn't like he was in the junk business but has a reputable business installing

breathalyzers for Black Hawk County. Liz Bumgardner, 1745 Michigan, questioned if the property owners could request the property be rezoned. Faas responded no, if they want to run a business, they should relocate to a zone that is zoned for business.

There being no further discussion, Loftus/Seible to adjourn the meeting at 7:11 p.m. Motion carried.

ATTEST:

Doug Faas, Mayor

DeAnne Kobliska, City Clerk