

**THE REGULAR MEETING
OF THE BLUE GRASS CITY COUNCIL
BLUE GRASS, IOWA MAY 5, 2014**

The Blue Grass City Council met in regular session at 7:00 p.m. on the 5th day of May 2014, in the City Council Chambers of City Hall, 114 N. Mississippi Street, pursuant to law, with Mayor Brinson Kinzer presiding, with the Pledge of Allegiance and a moment of reflection. The following Council members were present: Sandra Frericks, Bonnie Strong, Charles Barton and Brad Schutte. Absent was Council member James Goodin. City Attorney William McCullough and City Engineer Mike Janecek were also in attendance.

APPROVAL OF AGENDA: The Clerk made a correction to the description of Item #17 to read "Irrigation Wells". Council member Frericks moved to approve the agenda with the added correction to Item #17, seconded by Council member Strong. All ayes, motion carried.

MAYORAL COMMENTS: Mayor Kinzer announced the following: "Welcome to your Blue Grass City Council meeting. If you are not a member of the Fire, Ambulance, or Police Department, please turn off or silence your cell phones, pagers, black berry's, etc. It is your right to be heard; however, please ask to be recognized by the Mayor. After being recognized, please stand and state your name and address. In an effort to keep the meeting on task, please limit your comments or concerns to several minutes. Please have the courtesy to allow the person speaking to finish uninterrupted. Thank you".

PUBLIC FORUM: From those in attendance, there were none.

CONSENT AGENDA: Council member Frericks made a motion to adopt the Consent Agenda as presented, seconded by Council member Barton which included the following items:

- 1. Motion to approve the minutes of the April 21, 2014 City Council meeting**
- 2. Payment of claims**

A roll call vote was taken: Frericks-aye, Barton-aye, Strong-aye and Schutte-nay. Motion carried.

INFORMATIONAL PROCEEDINGS:

- 3. Quad City Coalition for Democracy ref: DRAFT - A Resolution to establish as a position of the Blue Grass City Council that Corporations should not receive the same constitutional rights as natural persons do, and that because money is not the equivalent of free speech, transparency requirements and limits on political spending will promote the goals of the first amendment by ensuring that all citizens, regardless of wealth, have an opportunity to have their political views heard:** Mr. Bob Babcock and Tracy Leone , representing the Quad City Coalition for Democracy, reviewed the proposed Resolution asking that the Council consider adopting and come together as a large non-partisan citizens' group in the Quad Cities of Iowa and Illinois. Ms. Leone proceeded to explain that the Quad City Coalition for Democracy was created as a basic framework to empower the local residents to understand the important issues and educate ourselves on how public policies are created and how citizens can be involved in the development of public policy and active citizenry. She briefed the Mayor and Council that there were 600 cities and 16 states that have already adopted this particular Resolution; however, noting that it has since then been revised to include "Be it further resolved that the Blue Grass City Council calls upon the United State Congress to pass and send to the states for ratification a Constitutional Amendment to reverse the decision in Citizens United vs. Federal Election Commission and McCutcheon vs. Federal Election Commission". Ms. Leone said that the Coalition's mission is to engage folks on a variety of issues that call us to ACTION and to educate, engage, promote, transform and build relationships to bring about needed changes for the betterment of our communities and for the advancement of progressive values and that their intentions are to help build a support network aimed at educating, engaging, and empowering citizens to work for the common good of all in our communities and as it progresses, they will value and promote peace, racial, social and economic justice, civil rights, diversity, civil liberties, human rights, a preserved environment, and a reinvigorated democracy. Council

member Barton expressed his concerns on making an amendment to the Constitution as he believes that the City would then have to have a Constitutional Amendment and asked the City Attorney for an opinion. McCullough reported that this particular Resolution was just an opinion and is simply expressing an opinion on a federal issue and it was up to the Council to decide whether they want to become involved on this particular issue and either adopt the Resolution in support or not adopt it. Further discussion was held in regards to the Resolution. Mayor Kinzer reminded the Council that the resolution was being presented as a DRAFT at the current time and that if the Council so chooses so they may proceed with its adoption at the next Council meeting.

SEWER: Sewer Committee Chair James Goodin was absent.

4. Sewer Backup ref: Mr. Mark Wakefield: Resident Mr. Mark Wakefield asked the Council to reimburse him \$141.26 for expenses he incurred associated with sewage backup in his home. He said that according to the Public Works Director, his line was at the end of a lateral and that he does not use enough water to flush the line; therefore, has been an ongoing situation for quite some time and that he would like to get it resolved. Mr. Wakefield said that according to Mr. Robertson, the Fire Department, when flushing the hydrants, to flush his line to help alleviate future backup. Mayor Kinzer asked that the request be tabled as both Mr. Robertson and Sewer Chair Goodin were not present. Sewer Committee member Barton agreed with the Mayor's request as he, too, believes that the Council would be better informed once Mr. Robertson and Mr. Goodin were present. Council member Barton moved to table the sewer backup request from Mr. Mark Wakefield and place on the next meeting agenda, seconded by Council member Strong. Janecek inquired about the sewer backup ruling. McCullough reported that yes, according to Section 13.12.060 all costs and expenses incident to the sewer shall be borne to the owner and under the Iowa Code, the City is exempt from any claim. Mr. Wakefield again, reminded the Council that this has been an ongoing situation and that the City is aware of. A roll call vote was taken: Barton-aye, Strong-aye, Frericks-aye and Schutte-aye. Motion carried.

FIRE DEPARTMENT: Fire Chief Brian Seamer reported the following:

5. Fire Department report: The April 2014 report consisted of 45 calls with 361.3 on scene man-hours recorded and a total of 145 year-to-date calls. Chief Seamer added that the Department also assisted with Mutual Aid in Walcott, Buffalo and Montpelier during the month. Seamer also reported that he had reviewed and approved the J & M Displays fireworks permit application. He said that the Department had performed hose testing during the month of April and for the month of May they will perform driver training. Chief Seamer requested a meeting with the Public Safety Committee in regards to the Buffalo Ambulance's departure in the Public Safety Building. A Public Safety Committee meeting was tentatively set for May 7, 2014 at 6:30 p.m.

6. Blue Grass Homecoming Days ref: kids water fight: Chief Seamer informed the Council that the Department would like to ask for permission to hold a kids water fight to follow the Department's water fight on Saturday, June 7, 2014. McCullough recommended that each participant sign a consent form due to the risk of the activity. Council member Strong moved to approve the kids water fight on June 7, 2014 with the stipulation that a consent form be signed, seconded by Council member Barton. All ayes, motion carried.

7. Invoice ref: transmission replacement truck #3 – Thompson Truck & Trailer: Council member Schutte reported that the transmission on the 1990 International truck #3 had to be replaced as the transmission had gone out during a grass fire and was towed to Hawkeye Truck/Thompson Truck & Trailer. He said that both he and the City Clerk were able to get a verbal agreement from the three trustees to take the funds from the Fire Township Fund. The Clerk reported a balance of \$30,223.64 as of March 31, 2014 in the Fire Township Fund. Buffalo Township Trustee Lyle Shellabarger questioned the expenditure stating that it was his opinion that there are certain sections in the Agreement between the City of Blue Grass and the Townships were contradictable. McCullough added that the Agreement was up for renewal in 2015; therefore, he would recommend that those particular sections be clarified to the Township Trustees satisfaction. Schutte reviewed the invoice totaling \$8,133.94 adding that the

clutch was also replaced at the time. Shellabarger inquired as to what truck the Fire Department would be replacing. Schutte reported, as Equipment Manager on the Fire Department, that it was the Department's intentions to replace the 1984 Tanker. Buffalo Township Trustees Lyle Shellabarger and Steve Saur gave the Council their approval on using funds from the Fire Township Fund. Council member Schutte moved to approve the invoice payable to Hawkeye Truck/Thompson Truck & Trailer in the amount of \$8,133.94 from the Fire Township Funds, seconded by Council member Frericks. A roll call vote was taken: Schutte-aye, Frericks-aye, Strong-aye and Barton-aye. Motion carried.

AMBULANCE DEPARTMENT: Director Phil Jones reported the following:

8. Ambulance Department report: The report consisted of the following: calls for service during the month of March 2014 were reported at 131 and calls for service for the month of April 2014 were reported at 109 with a total of 505 year-to-date calls.

9. Interim Agreement ref: Genesis and Buffalo Ambulance Department: The City Council previously approved to extend the Buffalo Ambulance Department's Promissory Note Agreement for 6 months; therefore, expiring on or about July 7, 2014 at the February 3, 2014 Council meeting. Finance Chair Frericks later reported to the Council that the Committee had met with Genesis; therefore, it was the Committee's recommendation to include Genesis on the Agreement at which time the Council directed the City Attorney to draft a legal document to include Genesis on the Agreement.

Finance Chair Frericks reported that, unfortunately, Genesis would not be included in the Interim Agreement as they are no longer interested; however, Medic has since then shown an interest in taking over the Ambulance Service. She said that in the interim, Buffalo Ambulance will be doing business as usual until an agreement is mutually agreed upon between the Buffalo Ambulance and Medic as they are still in negotiations.

10. Status of Buffalo Ambulance: Finance Chair Frericks reported that currently the Buffalo Ambulance will be operating as usual until something is agreed upon with Medic. Resident Bob Smith inquired about the debt the Buffalo Ambulance owes the City. Frericks reported that until something is mutually agreed upon, there is nothing to report. Director Phil Jones added that the Buffalo Ambulance will continue to pay their monthly payments until something is agreed upon but at this time they are still in negotiations.

LICENSING & RENEWAL(S):

11. Liquor License Renewal ref: Blue Grass Community Club – Outdoor Service Area Permit: The Clerk reported that the Alcoholic Beverage Division confirmed that the Blue Grass Community Club had successfully completed their Outdoor Service Area application for the dates of June 7 through June 9, 2014; therefore, were submitting the liquor license renewal to the City for local jurisdiction approval. Council member Schutte moved to approve the liquor license renewal for the Blue Grass Community Club Outdoor Service Area Permit, seconded by Council member Strong. All ayes, motion carried.

ENGINEER REPORT: City Engineer Mike Janecek reported the following:

12. Status of North Mississippi Street Rehabilitation: The City Council at the May 20, 2013 Council meeting moved to proceed with the Design Engineering Phase of the rehabilitation of North Mississippi Street so that the project would be considered "shovel ready"; therefore, making the City more eligible when applying for grants. The City was awarded grant monies through the Traffic Safety Improvement Program (TSIP) in the amount of \$89,000.00 to upgrade the traffic signal at Sycamore and North Mississippi Street; therefore, Council requested the McClure Engineering take that portion out of the rehabilitation project.

Janecek reported that the design phase of the North Mississippi Street Rehabilitation Project was complete and that the Sycamore Street light project was taken out with new estimated costs of approximately \$2,308,865.00 and that the project was ready for review.

13. Public Sidewalks ref: Prairie Woods Estates Subdivision: It was previously reported that several residents residing on Baxter Drive and outlot areas in the Prairie Woods Estates Subdivision sidewalks were not constructed; therefore, the City Council tabled the sidewalk construction until further research. MidWestOne Bank had verbally agreed to construct their portions of the sidewalks including the recreational area once their replat of the subdivision was approved converting the majority of the townhouse/villa lots into single-family lots.

Janecek reported that MidWestOne Bank would soon be requesting to meet with the Planning & Zoning Commission to replat the Prairie Woods Estates subdivision since their variance request was approved. He said that they had agreed to begin constructing their portion of the sidewalks in the outlot areas and the recreational trail once the replat was approved.

14. Status of North Lift Station (Lotte/W Scott): The City Council at the February 3, 2014 Council meeting approved Visu-Sewer to camera the lines based on the Sewer Committee's recommendations prior to starting the upgrade.

Janecek reported that he was still waiting for guidance from the Sewer Committee and due to Mr. Robertson's absence, he has not heard whether Visu-Sewer had completed the project or not. Due to the absence of Sewer Chair Goodin and Public Works Director Lonnie Robertson, the item would be discussed at a later date.

15. Sycamore Street Traffic Light Project: Janecek previously reported that the City was awarded grant monies through the Traffic Safety Improvement Program (TSIP) in the amount of \$89,000.00 to upgrade the traffic signal at Sycamore and North Mississippi Street; however, the grant only covers the "costs of the materials purchased for initial installation of traffic control devices or replacement of obsolete traffic control devices". The Council approved the Agreement at the April 10, 2014 Council meeting and that the City research grants and or funding to complete the project.

Janecek reported that he had submitted the City's grant acceptance agreement to the Iowa Department of Transportation; however, was still unclear as to what the completion date was for the installation.

WATER: Water Committee Chair Bonnie Strong reported the following:

16. Water Main Extention ref: North Mississippi Street and East Laretta Street: The City Council at the April 10, 2014 Council meeting authorized the City Engineer to submit the necessary permits with the Iowa Department of Natural Resources in order to proceed with the water main extension.

Janecek reported that he had previously met with both the Public Works Director and McCleary Excavating in regards to upgrading the 4 inch water line to a 12 inch line on North Mississippi Street and East Laretta Street to increase water pressure in and around East Laretta Street and increase fire protection with McCleary Excavating estimating costs of approximately \$56,665.00; however, McCleary Excavating is in the process of revising their original cost estimate. Mayor Kinzer asked that Janecek follow up with Water Chair Strong with any new development.

17. Irrigation Wells: Chair Strong reported that the Water Committee had originally drafted an Ordinance Amendment in regards to allowing the construction of irrigation wells and was then presented to the Ordinance Committee but the Ordinance Committee, after review, revised the Amendment to include additional stipulations. Ordinance Committee Chair Schutte reported that the Committee had met and revised the Amendment accordingly and it was the Committee's recommendation to prepare the Amendment for its first reading at the May 19, 2014 Council meeting unless there were any further questions or concerns. Council agreed to proceed with its first reading at the next Council meeting.

BUILDING COMMISSIONER: Building Commissioner Ray Daufeldt reported the following:

18. Building Commissioner Report: The April 2014 report consisted of the following: 4 new homes currently under construction; 12 building permits issued; 4 remodel projects; and 3 rental inspections completed. Daufeldt reported items of interest as follows: the Blue Grass Drive-in Theatre has begun

grading and excavation and MidWestOne Bank has submitted an application to meet with the Planning & Zoning Commission requesting a replat of the Prairie Woods Estates Subdivision.

ZONING BOARD OF ADJUSTMENT:

19. Zoning Board of Adjustment ref: Variance: MidWestOne Bank (Lots 9-14) Prairie Woods Estates Second Addition): Daufeldt reported that the Zoning Board of Adjustment had held a public hearing on April 23, 2014 on the request from MidWestOne Bank in reference to reducing the lot size requirements on lots 9-14. He said that the Board concurred that the Variance be approved. McCullough further explained the reasoning for MidWestOne Bank's request as the lots were originally platted as villa-lots and now the Bank is proposing to construct single-family homes; therefore, in order for the single-family lots to be constructed the lot requirements need to be reduced. He reminded the Council that according to Section 17.64.180 Council Review of Grants of Variances: each decision of the Board granting a variance shall be reviewed by the Council within 30 days and either affirm or remand the Board's decision; therefore, requesting a rehearing; however, if the Board concludes its initial decision, the Variance shall then be deemed to become effective on the 31st day. No motions or concerns were addressed; therefore, on the 31st day, the Variance shall become effective.

RESOLUTIONS/ORDINANCE(S): Ordinance Committee Chair Brad Schutte reported the following:

20. Third reading of Ordinance Amendment 2014-09 ref: Amending Chapter 8.08 Fire Prevention: Chair Schutte gave a synopsis of the third reading of Ordinance Amendment 2014-09 commenting that the Amendment was on file at City Hall for review. Council member Schutte moved to approve the third reading of Ordinance Amendment 2014-09, seconded by Council member Strong. A roll call vote was taken: Schutte-aye, Strong-aye, Frericks-aye and Barton-aye. Motion carried. Council member Schutte moved to adopt Ordinance Amendment 2014-09, seconded by Council member Strong. A roll call vote was taken: Schutte-aye, Strong-aye, Frericks-aye and Barton-aye. Motion carried.

21. Second reading of Ordinance Amendment 2014-14 ref: Amending Chapter 15.04 Building Code in reference to Section 15.04.042 Building Construction Rules and Regulations for Accessory Buildings in R-Zoned Districts: Chair Schutte gave a synopsis of the second reading of Ordinance Amendment 2014-14 commenting that the Amendment was on file at City Hall for review. Council member Schutte moved to approve the second reading of Ordinance Amendment 2014-14, seconded by Council member Frericks. A roll call vote was taken: Schutte-aye, Frericks-aye, Strong-aye and Barton-aye. Motion carried.

22. Second reading of Ordinance Amendment 2014-15 ref: Amending Chapter 17.52 Sign Regulations to Section 17.52.040 "U" Political Signs: Chair Schutte gave a synopsis of the second reading of Ordinance Amendment 2014-15 commenting that the Amendment was on file at City Hall for review. Council member Schutte moved to approve the second reading of Ordinance Amendment 2014-15, seconded by Council member Strong. A roll call vote was taken: Schutte-aye, Strong-aye, Frericks-aye and Barton-aye. Motion carried.

23. Second reading of Ordinance Amendment 2014-16 ref: Amending Chapter 17.30 Standard Construction Specifications in reference to "Manholes": Chair Schutte gave a synopsis of the second reading of Ordinance Amendment 2014-16 commenting that the Amendment was on file at City Hall for review. Council member Schutte moved to approve the second reading of Ordinance Amendment 2014-16, seconded by Council member Barton. Developer Dale Grunwald expressed several safety concerns on reducing the manhole size from 60 inches to 48 inches and that he would recommend that the Council leave the Ordinance as is. Janecek replied that in his entire career as an Engineer, he has never heard of City requiring a 60 inch manhole; therefore, it is his recommendation that the City reduce the manhole size to 48 inches. A roll call vote was taken: Schutte-aye, Barton-aye, Frericks-aye and Strong-aye. Motion carried.

NUISANCE ABATEMENT(S): Nuisance Committee Chair Chuck Barton reported the following:

24. Nuisance Abatement(s): Chair Barton referred to the Citizen's Concern Log reporting that there was one comment from a resident asking that the City consider adding "free yard waste" during the Spring as well as the Fall. Nuisance Committee member Schutte reported that he would like to see the City proceed with sending a letter to the business on North Genessee Street. Mayor Kinzer reported that he had the contact information for Chair Barton.

POLICY & ADMINISTRATION:

25. Status of Mediacom Franchise: Mediacom previously notified the City that they were ceasing to collect and remit franchise fees to the City as they feel that there is competition with both DISH Network and DirecTV. The Clerk reported a loss of revenues totaling approximately \$14,000.00 a year. September 24, 2013 the City received a letter from Mediacom Communication's Attorney Bret Dublinske stating that they respectfully disagree with the City's arguments and that Mediacom feels that ceasing payments of the franchise fee was legally justified and does not owe Blue Grass any payment for any prior periods; however, Mediacom wishes to have a productive relationship with Blue Grass; therefore, Mediacom is willing to resume payments to Blue Grass for the 2013 4th Quarter payments and continue to start making payments forward. The Council then authorized the City Attorney to send a letter to Mediacom demanding that Mediacom reimburse the City for the loss revenues.

McCullough reported that, on the request of the Council, had sent Mediacom a letter giving them 30-days to respond in regards to the Council's request to submit payment for the entire period and that since the 30-days has now expired, he has prepared a Petition for the Council to review.

26. Banners: Mayor Kinzer reported that he would like to see the City show their appreciation and honor the many men and women who have served and are currently serving the in the military and display banners at the two welcome sign areas, City Hall and the Public Safety Building. He referred to the City of Davenport as they display banners throughout the City during Military appreciation week. The Clerk reported that she had received a design and quote from Hale Printing. Council member Schutte asked that the City entertain a quote from a local business in Blue Grass prior to approving. Council member Frericks moved to approve the ordering of the banners with a cost not to exceed \$1,000.00, seconded by Council member Schutte. A roll call vote was taken: Frericks-aye, Schutte-aye, Barton-aye and Strong-aye. Motion carried.

COMMENTS AND FUTURE AGENDA ITEMS: Water Committee Chair Strong reported that it was the consensus of the Water Committee to leave Chapter 13.34 Construction and Installation Standards, Section 13.34.100 Meter Inside Building, as is. She said that on the request of Mr. Dale Grunwald, he had asked that the Water Committee amend the Ordinance so that residential districts have the option to install an irrigation meter rather than be required to install an irrigation meter as it was putting a burden on the home builders. Chair Strong continued to report that this particular requirement had been discussed for quite some time and that the Committee feels that all new residential development should be required to put in an irrigation meter.

The Clerk reported that the telephones at City Hall were apparently struck by lightning from Tuesday's storms; therefore, they are in process of being replaced. She said that she had contacted the City's insurance carrier to confirm that the telephone system was covered.

Janecek reported that the Public Works Director had asked for his assistance in surveying both the alley between City Hall and Jeff's Market and West Orphed Street as apparently there are drainage issues at both sites. Mayor Kinzer asked that Janecek keep the Street Chair James Goodin apprized. Janecek also reported that he had attended a pre-construction meeting in regards to the development of the Scott County West Business Park.

Council member Schutte reported that it was brought to his attention that there was no street sign on Industrial Drive in the Scott County West Business Park subdivision.

Resident Bob Smith inquired about the East Loretta Street Water Main Project as it was his understanding that Reitz Construction and Cornerstone Construction were the same Company. Mayor Kinzer added that they were two separate businesses as one is Union and the other in Non-Union.

ADJOURNMENT: Council member Schutte made a motion to adjourn, seconded by Council member Barton. All ayes, motion carried. The meeting adjourned at 8:41 p.m.

Mayor Brinson Kinzer

Attest: Ann M. Schmidt, CMC, City Clerk/Financial Officer

LIST OF CLAIMS:

ALPEN FORD INC., RON	EQUIPMENT OPERATIONS	69.23
AT&T	TELEPHONE/FAX/INTERNET	117.65
BOUND TREE MEDICAL LLC	EQUIPMENT OPERATIONS	83.33
CENTRAL STATES H & W FUN	HEALTH INSURANCE	6,876.80
CENTURYLINK	TELEPHONE/FAX/INTERNET	391.04
CONOCO	VEHICLE OPERATIONS	210.19
DAUFELDT, RAY	TELEPHONE/FAX/INTERNET	15.00
DICK-N-SONS LUMBER INC.	OFFICE OPER/BLDG & GRNDS	81.94
ECONO SIGNS LLC	STREET SIGNS	229.60
GENESIS OCCUP'L HEALTH	MEDICAL	71.00
HACH COMPANY	EQUIPMENT OPERATIONS	108.25
LONGLEY SYSTEMS INC.	EQUIPMENT/OFFICE OPERATIONS	1,025.00
MCCLURE ENGINEERING ASSOC	ENGINEERING	3,123.75
MCCULLOUGH, WILLIAM T.	LEGAL SERVICES	1,551.25
MIDWEST WHEEL	EQUIPMENT OPERATIONS	35.74
OFFICE MACHINE CONSULT	EQUIPMENT OPERATIONS	356.38
PS3 ENTERPRISES INC.	BLDG & GROUNDS MAINTENANCE	405.00
QC ANALYTICAL SERVICES	TESTING	2,039.00
REXCO EQUIPMENT INC.	EQUIPMENT OPERATIONS	98.97
ROBERTSON, LONNIE	TELEPHONE/FAX/INTERNET	15.00
SANDRY FIRE SUPPLY L.L.C.	EQUIPMENT OPERATIONS	415.13
SCHMIDT, ANN	TELEPHONE/FAX/INTERNET	15.00
SINCLAIR TRACTOR	EQUIPMENT OPERATIONS	73.42
UNITED STATES CELLULAR	TELEPHONE/FAX/INTERNET	93.20
VERIZON WIRELESS	TELEPHONE/FAX/INTERNET	120.05
	GRAND TOTALS	17,620.92

FUND TOTALS

GENERAL FUND	8,076.28
ROAD USE FUND	172.39
EMPLOYEE BENEFITS FUND	4,912.00
WATER FUND	2,811.77
SEWER FUND	1,648.48
****	17,620.92