

**THE REGULAR MEETING  
OF THE BLUE GRASS CITY COUNCIL  
BLUE GRASS, IOWA                      JULY 5, 2017**

The Blue Grass City Council met in regular session at 7:00 p.m. on the 5<sup>th</sup> day of July 2017, in the City Council Chambers of City Hall, 114 N. Mississippi Street, pursuant to law, with Mayor Timothy Brandenburg presiding, with the Pledge of Allegiance and a moment of reflection. The following Council members were present: Chuck Barton, Brad Schutte, James Goodin, Lisa Smith and Bonnie Strong. City Attorney William McCullough and McClure Engineering representative Brian Ewoldt were also present.

**APPROVAL OF AGENDA:** Council member Goodin moved to approve the Agenda as presented, seconded by Council member Smith. A roll call vote was taken: Goodin-aye, Smith-aye, Barton-aye, Schutte-aye and Strong-aye. Motion carried.

**MAYORAL COMMENTS:** Mayor Brandenburg 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, 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. Thank you”.

**PUBLIC FORUM:** Resident Jess Rutherford informed the Council that an Officer had stopped by her residence to inform her that her electric fence was in violation of the Municipal Code explaining her hardship as she has two very large dogs that are continuously getting out; therefore, this is the only way to contain them in her yard. She explained that prior to installing the fence she had spoken with both of her adjoining neighbors who had no issues with the electric fence as it was installed on the inner portion of the fence so that neither neighbor could be harmed from it. McCullough referred to Section 15.20.020 (E) reporting that an electric fence is qualified as a dangerous structure; therefore, it was his opinion that an electric fence is not allowed. Mayor Brandenburg suggested underground pet fencing at which time Ms. Rutherford explained that since her dogs were purebred Siberian huskies that type of fencing would not work due to their thick manes. Council informed Ms. Rutherford that, unfortunately she could not have the electric fencing. Ms. Rutherford asked if she could leave the fencing up just not have the electric on as her dogs are already trained to obey that type of fence. Council agreed.

**CONSENT AGENDA:**

- 1. Motion to approve the minutes of the June 13, 2017 Committee of the Whole meeting**
- 2. Motion to approve the minutes of the June 19, 2017 City Council meeting**
- 3. Motion to adopt Resolution 2017-24 ref: selecting a financial institution to serve as depository and banking institution**
- 4. Motion to adopt Resolution 2017-25 ref: authorizing monthly transfers budgeted for in the fiscal year beginning July 1, 2017 through June 30, 2018**
- 5. Motion to adopt Resolution 2017-26 ref: authorizing the City Clerk/Financial Officer to make payment of regular monthly/incidental expenses before Council approval**
- 6. Motion to adopt Resolution 2017-27 ref: authorizing a payment from the Fire Township Fund in regards to the 2016 Freightliner M2 106 Tanker Truck financing at the Blue Grass Savings Bank**
- 7. Motion to adopt Resolution 2017-28 ref: authorizing an expenditure from the accumulated Tax Increment Financing Reserve**
- 8. Payment of claims**

Council member Strong inquired about several claims listed on the claims payable listing. Council agreed to change the allocation on the Hahn Ready Mix claim to Parks since the purchase related to the sand at the volleyball court at Black Bear Park. Council member Strong moved to approve the Consent Agenda with the change in allocation to the claim payable to Hahn Ready Mix, seconded by Council member Goodin. A roll call vote was taken: Strong-aye, Goodin-aye, Smith-aye, Barton-aye and Schutte-nay. Motion carried.

**FIRE DEPARTMENT:** Fire Chief Brian Seamer reported the following:

- 9. Fire Department report:** The June 2017 report consisted of 35 calls with 106.8 on scene man-hours reported with 193 year-to-date calls for service. Seamer reported that the Department, in conjunction with Buffalo Fire performed a Rapid Intervention training and trained on firefighter SCBA self-contained drills. He also reported that the Department's car show was a success and thanked everyone that came out to support the Department. Seamer expressed concerns on the complaints he received over the 4<sup>th</sup> of July Holiday as he had 14 complaints asking that the Ordinance Committee meet to set certain restrictions on fireworks and establish a fine. Seamer reported that Rescue #6 was sent in for transmission repairs.

**BUILDING COMMISSIONER:**

- 10. Building Commissioner Report:** Mr. Daufeldt was absent. Mayor Brandenburg gave the Building Commissioner report for the month of June 2017 as follows: 7 new homes currently under construction; 13 building permits issued; 3 remodeling projects and 1 complete and two pending rental inspections; Business Projects: Relentless Rod and Custom Shop; Hot & Sudsy car wash open for business and new post frame building at Delf's Landscaping and Notes of Interest included Dan Dolan as he was in the process of constructing a new street and start his 7<sup>th</sup> Addition. McCullough added that both he and the City Engineer are in the process of reviewing Dolan's 7<sup>th</sup> Addition and Prairie Woods Estates 3<sup>rd</sup> Addition plats. Council member Strong inquired about Relentless Rod and Custom Shop's invoices. The Clerk reported that a lien was placed on the first invoice and if the other invoice is not paid by July 7, 2017 another lien would be placed.

**PUBLIC HEARING:**

- 11. Public Hearing – Mayne Street Paving Rehabilitation Project: Proposed Plans, Specifications, Form of Contract and Estimated Cost:** Council member Goodin moved to close the regular meeting and open the public hearing, seconded by Council member Smith. A roll call vote was taken: Goodin-aye, Smith-aye, Schutte-aye, Barton-aye and Strong-aye. Motion carried. The public hearing was opened at 7:19 p.m.

Mayor Brandenburg opened the public hearing for discussion. Street Chair Schutte reported that the City had held a public bid letting on June 14, 2017; whereas, the following bids were received: Illowa Investments, Inc. in the amount of \$511,805.36; General Asphalt Construction Company in the amount of \$560,943.16; Brandt Construction Company in the amount of \$570,264.70 and Tri-City Blacktop in the amount of \$584,200.76. He said that McClure Engineering Associates, Inc. had estimated the project at \$737,056.00; therefore, leaving the lowest responsible bidder to be below the engineer's estimate. Mayor Brandenburg recommended that the City consider adding a change order to repair the drainage issue at Genessee Street as it was his opinion that once Seine Street is opened up for traffic that traffic will increase significantly on Genessee Street causing even more issues. McCullough reported that he had sent a letter to Casey's General Stores addressing the issue with them asking that they correct the drainage issue; therefore, he would not recommend adding any change orders at this time until a response is received. Street Chair Schutte gave a brief description of what the project entails to include a three inch mill overlay that would start just West of the Post Office and end just West of the Drive Inn Theatre and consist of two lanes with a bike lane of each side of the street with a completion date of October 31, 2017. Further discussion was held. Mayor Brandenburg asked for further discussion, since there was none, Council member Smith moved to close the public hearing and reopen the regular meeting, seconded by Council member Goodin. A roll call vote was taken: Smith-aye, Goodin-aye, Schutte-aye, Strong-aye and Barton-aye. Motion carried. The public hearing was closed at 7:32 p.m.

- 12. Resolution 2017-23 ref: awarding a contract for the construction project of the Mayne Street Paving Rehabilitation Project:** Council member Schutte introduced Resolution 2017-23 awarding a contract for the construction of the Mayne Street Paving Rehabilitation Project. Council member Strong requested that the Resolution include Blue Grass, Iowa under the address of the contractor. Council member Goodin moved to adopt Resolution 2017-23 to include the address of the contractor, seconded

by Council member Smith. A roll call vote was taken: Goodin-aye, Smith-aye, Barton-aye, Strong-aye and Schutte-abstain. Motion carried.

## **ORDINANCE(S):**

- 13. Chapter 10.40.020 Speed Limits ref: North Mississippi Street:** Previously, the Council reviewed and discussed the speed limit on North Mississippi Street between the 55 m.p.h. speed limit sign and the 25 m.p.h. speed limit sign requesting that Scott County Engineer Jon Burgstrum be involved prior to making any changes.

Council member Smith reported that she had rode along with Sergeant Jahns to see how the flow of traffic for both incoming and outgoing was in and around the 35 m.p.h. and 45 m.p.h. speed zones and witnessed firsthand the disrespect motorists had while running radar; therefore, it had completely changed her views. She said that she would recommend that the second 35 m.p.h. be changed to 45 m.p.h. as you are heading North out of town but leave the current speed zones as you are coming South into town. McClure Engineering representative Brian Ewoldt recommended that the City review the manual of uniform traffic devices and controls to make sure they are in compliance before making any changes. Discussion was held in regards to having the City Engineer review the manual of uniform traffic devices and controls for recommendation. Council agreed to leave this item on the Agenda until they receive a professional opinion from Mr. Burgstrum.

- 14. Chapter 10.24 Stopping, Standing and Parking ref: illegal parking:** The Council previously received a safety concern in regards to a resident that is parking numerous vehicles in front of his residence and throughout the entire neighborhood causing safety issues with children riding their bicycles in and around that area; therefore, the concern was then brought to the Police Department to address; however, Sergeant Jahns reported that he has made several attempts to meet with this resident but has been unsuccessful.

Council member Smith reported that at the last meeting Sergeant Jahns had recommended that the Council consider increasing the fines under Section 10.24.150 (D) as it was only \$5.00 and that she, too, agrees that the fines be increased. Council member Goodin referred to an email that the Council received from Sergeant Jahns in reference to other City fines reporting the following: Walcott \$5.00; Buffalo \$15.00; Eldridge \$5.00; Princeton \$15.00 with an increase of \$5.00 after 30 days in unpaid; LeClaire \$25.00 and Durant \$25.00 and parking in or misuse of handicapped placard \$100.00. He said that it was his recommendation to increase the parking fine to \$15.00 and adopt the misuse of handicapped placard of \$100.00. Council member Schutte recommended that everyone get their thoughts down and turn over to the Ordinance Committee and/or Committee of the Whole. McCullough reported that the City already has the handicapped fine adopted referring to Section 10.24.050 (c) any person convicted of violating this section shall be fined \$100.00.

- 15. Chapter 8.14 Refuse Disposal:** Mayor Brandenburg reported that he had attended a Small Town Mayor meeting presented by the Waste Commission of Scott County in regards to the new pricing structure at the Scott Area Recycling Center along with other business such as the Scott Area Landfill's master plan, Electronic Demanufacturing Facility, Household Hazardous Material Program and Commission grant program and other community resources. He said that apparently the City of Eldridge had restructured their recycling program; whereas, they now are receiving a recycling rebate recommending that the City, too, revisit their contract with Republic Services that expires in 2021 to restructure the City's recycling program. Council reviewed Section 8.14.140 (c) No container shall be placed at the alley or street for pickup before 7:00 p.m. on the day prior to the designated collection day and Section 8.14.200 Violation – Penalty: Anyone who violates the provisions of this chapter is guilty of a municipal infraction and, upon conviction, shall be subject to a civil penalty of not to exceed \$100.00 for a first offense or \$200.00 for each repeat offense. Council member Schutte expressed concerns as there are several residents that leave their containers at the curb 24/7; therefore, feel that there should be some type of penalty. Council member Smith expressed concerns on the severity of the penalty agreeing that a penalty should be assessed; however, not to that extent suggesting that a warning

be issued the first time and a \$25.00 penalty for the first offence and assess a second offense. Council agreed to review Chapter 8.14 once either an Ordinance Committee or a Committee of the Whole meeting was set.

**16. Second Reading Ordinance Amendment 2017-02 ref: Building Commissioner Job Description:**

Council member Schutte introduced a synopsis of the second reading of Ordinance Amendment 2017-02 commenting that the Amendment was on file at City Hall for review. Council member Schutte moved to approve the second reading of Ordinance Amendment 2017-02, seconded by Council member Barton. A roll call vote was taken: Schutte-aye, Barton-aye, Smith-nay, Strong-aye and Goodin-aye. Motion carried.

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

**Nuisance Abatement(s):** Chair Barton referred to the "Concerned Citizens Log Book" reporting that a complaint was filed reporting a lawn that has tall grass and a pile of debris adjacent to the property. The Clerk expounded on another complaint received in regards to a resident's yard that apparently has tall weeds throughout the property. Council member Smith agreed to telephone this individual to resolve the complaint. Mayor Brandenburg referred to a letter drafted by the City Attorney in reference to the vacated HM Mart. McCullough reported that he had received the signed receipt that day; therefore, depending on the date on the receipt, HM Mart has ten days from that date to submit a written plan to either repair and/or demolish the building. Mayor Brandenburg reported that Mr. Mack Duffy and his contractor had met with the Building Commissioner and agreed to replace the existing deck to meet Code and be in compliance.

**POLICY & ADMINISTRATION:**

**18. Committee Changes:** Mayor Brandenburg reported that there would be no Committee changes as the Committee terms are nearing the end of their terms reminding the Council that if at any time a subject comes up; whereas, the Council feels the need to discuss as a Committee of the Whole they can do so. Council member Strong recalls the discussion where only certain Committees were to meet as a Committee of the Whole. Council member Schutte said that it was always his recommendation that if there is ever a topic that a Chair of that particular Committee feels that the entire Council should discuss, then a Committee of the Whole meeting be held. He reminded the Council that they had previously agreed that whenever a meeting for either Economic Development or Land Use was needed that a Committee of the Whole be held as those two topics involve the entire Council. Further discussion was held on various circumstances.

**19. Chain of Command:** McCullough reported that he had drafted two organized charts 1) while Council is in session and 2) while Council is not in session. He reminded the Council that during their mediation session that while the Council is in session, employees report to the Council; however, when the Council is not in session, employees report to the Mayor. He said that the Mayor supervises the Department Heads and that the various commissions such as the Park Board, Zoning Board of Adjustment and Planning & Zoning Commission they are to report to the Council. Council member Smith passed out several charts from various cities' showing their chain of command. McCullough reminded the Council that since Blue Grass does not have a City Manager or City Administrator the Mayor to supervise the various Departments on the daily operations of the City. Council member Smith expressed her concerns on the Department Heads reporting to the Mayor and the Mayor not reporting to the City Council. Council member Schutte reminded the Council that during their mediation session that the Mayor is solely responsible when the Council is not in session and that his frustration was that at one point the line of communication was broken; however, he believes that after their mediation session the Council can now move forward in a positive manner and start working together.

**20. Scott County Waste Commission Report:** Was previously discussed under Item #15.

**21. Office of the Auditor of State Audit Release for the period of July 1, 2015 through June 30, 2016:**

The Clerk reported that the Office of the Auditor of State had released the City's Examination Audit for the period of July 1, 2015 through June 30, 2016. She said that based on the Auditor's performance they had identified various recommendations such as: A) segregation of duties; B) certified budget had exceeded the amounts budgeted in the business type activities; C) separately maintained records for the Fire Department; D) questionable disbursements for the Fire Department; E) the 2015 Annual Urban Renewal Report was filed late and F) Disaster Recovery Plan. Discussion was held on particular recommendations made by the examiner.

**COMMENTS AND FUTURE AGENDA ITEMS:** Mayor Brandenburg read aloud a letter the City received from the Blue Grass Cemetery Board of Directors thanking the City for their donation as it will help defray operating costs.

Council member Smith asked if the complaints in regards to the cemetery were resolved. Mayor Brandenburg reported that Sergeant Jahns had made contact with the contractor responsible for the grounds maintenance. Council member Schutte added that when the cemetery contracts for mowing they only allot for two mowings a month and there are times where it needs mowed more than allotted; however, their funds are very limited.

Council member Schutte expressed financial concerns on the monthly invoices submitted by both the City Attorney and City Engineer asking if the City was getting reimbursed for all the expenses associated with the transaction between the City and Iowa American Water Company (IAWC). McCullough reported that the City was reimbursed for expenses associated with the sale of the water utility. Council member Schutte questioned the charges for researching the Peddler's Permit. The Clerk said that she has the Attorney verify that the bond is valid. Council member Smith expressed concerns on the peddler's fees asking that the Council consider increasing those fees when reviewing the other Ordinances. Council member Schutte requested that the City send an invoice to Relentless Rod & Custom for any attorney fees associated with his building as it was his opinion that if Mr. Ahrens would have been in compliance to begin with the City would not be in the situation they are in and if he contests the invoice, he will have to come plead his case to the Council.

Resident Mark Wakefield questioned the "fill dirt only" sign on Mr. Grunwald's property as it was his recollection that the Iowa Department of Natural Resources restricted Mr. Grunwald from filling in his natural water way. Mayor Brandenburg reported that he believes Mr. Grunwald was using the fill to construct storage units. Mr. Wakefield asked why the previous Chief John Jensen's voice was still on the Police Department's answering machine. Council member Schutte asked that that be changed as he was unaware that Mr. Jensen's voice was still on the answering machine.

Council member Smith reported that she finds it very appealing when you drive through small communities and residents have flags in their yards. She said that the Walcott Legion charges residents \$35.00 a year to hang flags 6 times a year and thought it would be a great fundraiser project for either the City, Park Board of Fire Department to help offset those costs if the City were to implement. Council member Smith said that the 4H funded the flag program in Dolan's Addition. Mayor Brandenburg reported that several residents have started hanging flags in the Black Bear Subdivision and agrees it looks very appealing.

Council member Schutte expressed concerns that the flags were not put out until 2:00 p.m. on Monday, July 3, 2017 in observance of the Independence Day Holiday as he felt that they should have been out the entire weekend prior to the holiday. He said that according to the Public Works Director, Public Works only puts the flags out the day before the Independence Day Holiday unless it falls on a weekend or Monday, then Public Works put them out for the entire weekend. Council member Schutte recommended that in the future the flags be put out for the entire weekend prior to the Holiday.

Employee Relation Committee member Strong inquired about the status of the job applications for the position of Building Commissioner. The Clerk reported that the City had received 3 applications and that she had put in for a request for background checks with the Police Department and once that those are complete, the Employee Relation Committee can begin the interviewing process.

Council member Strong said that due to the Clerk reporting that there have been several incidents of verbal abuse she noticed a sign that was posted at Genesis that read “we will not tolerate violence or threats – If you assault or verbally abuse our staff; carry weapons; damage or steal property; it may result in arrest or prosecution. No member of our staff should ever fear for their safety while carrying out our mission of compassionate, quality health services to all those in need”. She recommended that a sign similar to this be posted at City Hall.

Council member Strong inquired whether the City’s insurance coverage would cover things that were damaged when a portion of North Mississippi Street buckled as Council member Smith was hauling some family items that unfortunately broke due to the road buckling. The Clerk reported that she would follow up with the City’s insurance company.

Council member Smith reported that while she was calling around to other cities she noticed that just about every City has their Codebook online recommending that the City put their Codebook on their web page as she believes it would alleviate telephone calls to City staff. The Clerk said that the last time she looked into it was quite extensive but would look into it again.

Council member Goodin recommended that the Council draft some sort of policy to support the staff on being verbally abused as they do not have to tolerate any abuse. Council agreed. Council member Strong said that with the implementing of the sign, staff could refer to the sign if they are being verbally abused. The Clerk said that City Hall has been overwhelmed with complaints in regards to the transition with Iowa American Water Company as they are not satisfied with their customer service. She said that residents have been complimenting staff on their small town customer service.

Resident Mark Wakefield expressed concerns on IAWC representatives entering onto his property to locate shut offs as he would have liked to have known ahead of time that representatives would be entering onto his property. Council member Smith also complained that she, too, had IAWC representatives on her property without prior knowledge. The Clerk reported that she had spoken with an IAWC representative in regards to employees out locating shut offs suggesting that in the future they either let City Hall or Public Works be aware of them going onto people’s properties and also suggested that they publish an article in the Bugle. Resident Larry Guy said that based on his years of service at Eastern Iowa Light & Power it is common courtesy to let residents know ahead of time to alleviate any issues; therefore, suggesting that anytime the City is to do a street job or anything else to contact those residents as it is an excellent way of communication. Council agreed.

**ADJOURNMENT:** Council member Goodin made a motion to adjourn, seconded by Council member Schutte. A roll call vote was taken: Goodin-aye, Schutte-aye, Barton-aye, Smith-aye and Strong-aye. Motion carried. The meeting adjourned at 8:56 p.m.

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Mayor, Timothy Brandenburg

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

**CLAIMS REPORT**

AT&T	TELEPHONE/FAX/INTERNET	150.58
BLUE GRASS SAVINGS	FIRE TRUCK PAYMENT	13,500.00
BP	VEHICLE OPER	898.06
CENTRAL STATES H & W FUND	HEALTH INSURANCE	7,978.00
CENTURYLINK	TELEPHONE/FAX/INTERNET	393.44
CROSS DILLON TIRE	EQUIPMENT OPER	562.60
DAUFELDT, RAY	TELEPHONE/FAX/INTERNET	25.00
DOWNING, ROBERT	TELEPHONE/FAX/INTERNET	15.00
GENERAL ASPHALT CO.	SAND	34.50
HAHN READY MIX	COLD MIX	910.40
HENNING, KEVIN	TELEPHONE/FAX/INTERNET	15.00
HOPKINS & HUEBNER	LEGAL SERVICES	1,210.00
INSTITUTE OF PUBLIC AFFAIRS	TRAINING/TRAVEL/SAFETY	169.00
INTERN'L CODE COUNCIL	TRAINING/TRAVEL/SAFETY	135.00
IOWA LEAGUE OF CITIES	PROFESSIONAL FEES	994.00
L L PELLING CO.	SEALCOATING/STREET IMPROV	53,260.84
MCCLURE ENGINEERING ASSOC.	ENGINEERING	4,424.00
MCCULLOUGH, WILLIAM	LEGAL SERVICES	3,240.00
MIDAMERICAN ENERGY	UTILITIES	5,837.75
MOBILE TEAM TRAINING UNIT	TRAINING/TRAVEL/SAFETY	200.00
NFPA	TRAINING/TRAVEL/SAFETY	175.00
PS3 ENTERPRISES INC.	BLDG & GROUNDS MAINT	411.00
QC ANALYTICAL SERVICES	TESTING	2,271.12
ROBERTS, ANDREW	VEHICLE OPER	13.24
ROBERTSON, LONNIE	TELEPHONE/FAX/INTERNET	25.00
SCHMIDT, ANN	TELEPHONE/FAX/INTERNET	25.00
VERIZON WIRELESS	TELEPHONE/FAX/INTERNET	368.43
<b>***** REPORT TOTAL *****</b>		<b>97,241.96</b>

**FUND TOTALS**

GENERAL FUND	9,721.15
FIRE TOWNSHIP FUND	13,500.00
ROAD USE FUND	54,205.74
EMPLOYEE BENEFITS	5,700.00
TAX INCREMENT FINANCING	360.00
WATER FUND	6,841.65
SEWER FUND	6,913.42
<b>****</b>	<b>97,241.96</b>