

**THE REGULAR MEETING  
OF THE BLUE GRASS CITY COUNCIL  
BLUE GRASS, IOWA                      AUGUST 6, 2018**

The Blue Grass City Council met in regular session at 7:00 p.m. on the 6<sup>th</sup> day of August 2018, in the City Council Chambers of City Hall, 114 N. Mississippi Street, pursuant to law, with Mayor Larry Guy presiding, with the Pledge of Allegiance and a moment of reflection. The following Council members were present: Bonnie Strong, Brad Schutte, Lisa Smith and Donna Kinzer. Absent was Council member Emilyne Slagle. City Attorney William McCullough and City Engineer Mike Janecek were also in attendance.

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

**MAYORAL COMMENTS:** Mayor Guy announced the following: “We would like to welcome all of you to your Blue Grass City Council meeting. We hope the meeting will be informative and beneficial. We do ask that you silence your cell phones and/or pagers. We want to hear from you but we ask that you wait to be recognized. Please state your name and address and make your comments brief. In an effort to keep the meeting on task, please limit your comments or concerns to several minutes. Please allow the person speaking to finish uninterrupted. Thank you”.

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

**CONSENT AGENDA:** Council member Strong made a motion to approve the consent agenda as presented, seconded by Council member Kinzer:

- 1. Motion to approve the minutes of the July 16, 2018 City Council meeting**
- 2. Motion to adopt Resolution 2018-43 ref: authorizing a transfer in connection with Federal Aid reimbursement from the State of Iowa**
- 3. Motion to adopt Resolution 2018-44 ref: authorizing an expenditure from the accumulated Tax Increment Reserve**
- 4. Motion to adopt Resolution 2018-45 ref: authorizing issuance of a warrant in connection with the North Mississippi Street Rehabilitation Construction Project: Payment #5 to Langman Construction, Inc.**
- 5. Payment of claims**

A roll call was taken: Strong-aye, Kinzer-aye, Smith-aye and Schutte-nay. Motion carried.

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

- 6. Fire Department Report:** The July 2018 report consisted of the following: 42 calls with 169.62 on scene man-hours recorded with a total of 245 year-to-date calls. The report also consisted of the following: commended the Department on their assistance during Ragbrai reporting that the Department responded to 9 reportable incidents; during the months of July and August the Department will train on ropes and knots along with low angle rope rescue and reported that 2 inspections had been done reporting that all deficiencies were alleviated on the second inspection. Mayor Guy commended the Department on their assistance during Ragbrai.

**INFORMATIONAL PROCEEDINGS:**

- 7. Tom Bracey ref: Prairie Woods Estates weed control:** Mr. Bracy displayed several photos of tall weeds that residents are complaining about within the Prairie Woods Estates Subdivision that are unsafe to mow mainly because those particular lots were designed for walk-out basement type homes; therefore, maintaining those weeds is very difficult. He said that the grass and weeds are currently keeping erosion control down asking that the Council be more lenient on the weed control in and around this particular area as the Subdivision is filling up quickly; therefore, that is why more complaints are being filed. Mr.

Bracey reassured the Council that the lots would continue to be maintained with the exception of the weeds. It was the consensus of the Council to allow Mr. Bracey to do as much weed control as safely possible on the unsold lots until they are built upon and continue to maintain the grounds.

**POLICE DEPARTMENT:**

- 8. Police Department Policy & Guidelines:** Mr. McCullough was not present at the time of discussion; therefore, the Council agreed to proceed with the Agenda until he was present.

**BUILDING COMMISSIONER:** Building Commissioner Jim Meyrer reported the following:

- 9. Building Commissioner Report:** The July 2018 report consisted of 11 new homes currently under construction commenting that the lots are being sold quickly in the new Prairie Woods Estates 3<sup>rd</sup> Addition; 16 building permits issued totaling \$13,074.00; 1 rental inspection that passed and updated the Council on the last rental inspection that failed as all the electrical violations were corrected and that both the roof and windows are yet to be fixed; reported that the Zoning Board of Adjustment approved Mr. Rick Porter's Variance request to construct an accessory building; no activity on the Relentless Rod building; met with a contractor that was hired to secure the property at 304 E. Salem Street stating that the work would be complete by August 4, 2018; however, as of today no work has been done. Council addressed safety concerns on the property lacking a security fence around the open structure. It was the consensus of the Council to have the City Attorney contact Ms. Julie Loose and her attorney requesting to have the property properly secured by Wednesday, August 8, 2018 at 9:00 a.m. or Public Works would secure the property and assess the costs against the property. Meyrer asked that the Council consider the future growth of Blue Grass since both the Prairie Woods Estates and Prairie Woods Estates 3<sup>rd</sup> Addition are quickly filling up; therefore, that leaves little to no development without Mr. Grunwald constructing his 2<sup>nd</sup> Addition to the Black Bear Subdivision adding that the property adjacent to Grunwald's 2<sup>nd</sup> Addition had been sold for future development which will both create more tax revenue for the City.

- 10. Nuisance Abatement ref: vacated residential property:** Meyrer reported that the vacated home at 915 South Oak Lane was sold to Chad Brus who is planning on remodeling it; therefore, the property will no longer be a nuisance and/or safety issue.

**ZONING BOARD OF ADJUSTMENT:**

- 11. Zoning Board of Adjustment recommendations ref: Variance Request – Rick Porter:** The Clerk reported that the Zoning Board of Adjustment had held a public hearing on July 18, 2018 on the request from Mr. Rick Porter as he was requesting to secure a Variance to construct a 32 foot by 72 foot wide accessory building. She said that the Board had approved the Variance request. Mr. Rick Porter explained that he was wanting to construct a 2,304 square foot accessory building on their property located at 233 West Orphed Street to replace the 2-car garage that they are demolishing displaying photos of the proposed building and location. McCullough explained that although the property is zoned C-1 General Commercial District, the use of the property is residential; therefore, Mr. Porter would have to follow the residential Code. Discussion was held on the excessive size of the building exceeding the limit by three times according to Section 17.24. Council member Smith recommended that the City first proceed with the adoption of Ordinance Amendment 2018-04 and then review the Porter's Variance request. Mayor Guy reminded the Council that they had just approved Mr. Russ Johnson's Variance without any issues knowing that the Code was going to be rewritten. McCullough explained that according to Section 17.64.180, the Council has 30 days to decide to either remand the Board's decision or take no action. Council member Smith moved to remand the Board's decision for further review, seconded by Council member Kinzer. A roll call vote was taken: Smith-aye, Kinzer-aye, Schutte-nay and Strong-nay. Motion denied due to a lack of a majority vote.

## **POLICY & ADMINISTRATION:**

**12. Grunwald Land Development ref: Economic Development Grant:** Grunwald Land Development Developer Dale Grunwald previously approached the Council on awarding him an Economic Development Grant in the amount of \$455,000.00 with annual payments of \$35,000.00 a year for a period of 13 years to help offset the infrastructure costs to construct both the sanitary and storm sewer in order for him to construct 28 lots in Black Bear Crossing's 2<sup>nd</sup> Addition as the total infrastructure costs totaled \$1,798,565.00. It was the consensus of the Council to have the Clerk prepare a financial study on property tax revenues since this was a long term investment to see if this investment was even feasible for the City to pursue prior to making any decisions.

The Clerk reported that she had spoken with the Scott County Auditor's Office in assisting her to configure a financial statement on what the City's Property Tax revenues would be once the Tax Increment Financing has expired; however, was unsuccessful in contacting Muscatine County. She said that she would have something prepared for the Council to review at the August 20, 2018 Council meeting.

**POLICE DEPARTMENT:** This item was previously delayed until the City Attorney was present.

**8. Police Department Policy & Guidelines:** Mr. McCullough reported that both he and Chief Jahns had completely revised the Police Policy & Guidelines for the City. Council member Smith moved to adopt the newly revised Police Policy & Guidelines based on the recommendations of both the City Attorney and Police Chief, seconded by Council member Strong. A roll call vote was taken: Smith-aye, Strong-aye, Schutte-nay and Kinzer-aye. Motion carried.

**ENGINEER REPORT:** City Engineer Mike Janecek reported the following:

**13. Engineer Report:** The Engineer's Report consisted of the following: reported that he had attended one Council meeting during the month of July and that on the request from the City, IMEG performed marking water and sewer laterals on street curbs per current specifications and for private residential storm sewers not to be allowed into the public storm sewers and reported that the invoicing has been submitted to accounting for work up to late July.

**14. North Mississippi Street Rehabilitation Project:** Previously, the City Council awarded Langman Construction, LLC the contract totaling \$2,047,794.74 to totally rehabilitate the North Mississippi Street corridor to include a new concrete street from Mayne Street to Laretta Street including curbs, gutters, sidewalks, storm and sanitary sewers.

Janecek reported that Langman Construction was continuing to make considerable progress on the pavement reporting that street pavement was complete between Mayne Street and Lotte Street and driveways are in progress with sidewalks to follow. He continued to report the following: the contractor is trying to get as much done as possible prior to the start of school; sanitary sewer was complete; storm sewer is projected to be installed the week of August 6, 2018 between Lotte and Laretta Street then paving can commence the following week; MidAmerican Energy electric and gas are complete; Iowa American Water Company is complete; CenturyLink has a few other minor adjustments yet to be done; Mediacom relocates are near complete with a few minor adjustments yet to be done; progress meetings changed to last Wednesday of the month at City Hall and that he anticipates the contractor to be done sooner than anticipated with final completion date in September or October.

**15. Update: I.D.N.R. DPDES Permit:** Previously, the City had received notification from the Iowa Department of Natural Resources (IDNR) mandating that the City comply with the new regulatory regulations in regards to the City's NPDES Permit at which time the City submitted an extension letter requesting an extension; however, the IDNR had denied the City's request.

Janecek reported that the contract was submitted to the City for lagoon improvements design proposal and that Mr. Josh Sobaski of the IDNR Field Office had previously approved the proposed site location for the lagoon improvements and determined that waivers are not required due to the proximity

of the proposed wastewater treatment plant components and reported that the IDNR has not yet reviewed the City's Disadvantaged Community Analysis application as they keep delaying due to their workload.

- 16. Update ref: SUDAS (Statewide Urban Design and Specifications):** Janecek had previously reported that he had met with the Public Works Director to begin reviewing the City of Davenport's adopted "Statewide Urban Design and Specifications" (SUDAS) as this will be a major undertaking and require several meetings.

Janecek reported that due to both his schedule and the Public Works Director's schedule, they were unable to meet since their last meeting; however, would begin reviewing the specifications soon with the addition of a City supplement to include certain regulations according to City's specifications.

Council member Schutte was excused at 7:50 p.m. due to a Fire call.

#### **WASTEWATER:**

- 17. Agreement for Wastewater Treatment Plant Improvements:** IMEG Corporation Operations Manager Jack Kusek presented a Contract for Wastewater Treatment Plant Improvements for the design and construction engineering services for the wastewater treatment plant upgrades to achieve compliance with the new NPDES permit limits for ammonia-nitrogen and E. coli. He briefly explained that the Agreement was prepared by the Engineer's Joint Contract Documents Committee (EJCDC) and issued by the American Council of Engineering Companies, the American Society of Civil Engineers and the National Society of Professional Engineers customized for the specific needs of the project. Discussion was held on the total costs of the project as Mr. Kusek estimated costs to reach \$3,000,000.00. Council expressed the need to move forward and continue to make progress and meet the IDNR's deadlines as at this point, there was not much the City could do without moving forward. Council member Smith moved to accept IMEG's Agreement for Wastewater Treatment Plant Improvements, seconded by Council member Kinzer. McCullough expressed concerns on the general liability insurance limits at which time Mr. Kusek agreed to do more research on the limits defined in the Agreement. A roll call vote was taken: Smith-aye, Kinzer-aye and Strong-aye. Motion carried.

**PUBLIC WORKS:** Public Works Director Lonnie Robertson reported the following:

- 18. Public Works Department Report:** Robertson presented the July 2018 Public Works Department report as follows: 84 Iowa-One Call locates; daily sewer checks; serviced all lift stations; assisted with the setting up and taking down of tables, chairs and picnic tables for the Ragbrai event; mowing of parks and right-of-ways weekly; serviced motors and pumps at the lagoon; reported that the new exmark was in service; cold patching of streets; repairs to the bush hog mower; trimming of trees; repairs to property behind Post Office to correct drainage; repaired storm drain; reported that the parking lot was projected to start the week of August 13, 2018; attended one progress meeting on the North Mississippi Street Rehabilitation Project and is still overseeing the construction project. Robertson added that locates were called in for the flashing beacon light at Oak and Mayne Street; therefore, the IDOT would be starting that project very soon. Mayor Guy commended the Public Works Department for all their hard work assisting with the Ragbrai event.

#### **ORDINANCE COMMITTEE:**

- 19. Ordinance Committee recommendations ref: job description revisions:** Ordinance Committee member Smith reported that the Committee had met on July 24, 2018 to review several job description revisions that were prepared by the various Department Heads. Committee member Strong said that it was the consensus of the Committee to have either a Committee of the Whole meeting or have the Employee Relation Committee review both the Police Department and City Clerk's Department job descriptions as they were rather complex. She asked that the Council review the Police Department and City Clerk's Department drafts prior to the meeting date and time. Mayor Guy said that both the Crossing Guard and the Public Works job descriptions were reviewed and approved.

- 20. DRAFT – Ordinance Amendment 2018-05 ref: amending Chapter 2.50 Public Works Director and Chapter 2.52 Public Works Employee job descriptions:** Council member Smith introduced a synopsis of the proposed draft commenting that the Amendment was on file at City Hall for review. McCullough made a minor change to the draft. The Committee expressed their concerns as it was their recommendation to have both the Public Works and Crossing Guard job descriptions prepared for their first reading. The Clerk apologized as she was told that the Amendments were to be prepared as drafts; however, would prepare the Amendments for their first readings on the next meeting Agenda.
- 21. DRAFT – Ordinance Amendment 2018-06 ref: amending Chapter 10.48 School Crossing and Crossing Guards job descriptions:** Ordinance Committee member Smith asked that the Council review the proposed draft and requested that the Clerk prepare the Amendment for its first reading at the next Council meeting.

**ORDINANCE(S)/RESOLUTION(S):**

- 22. First reading of Ordinance Amendment 2018-04 ref: amending Chapter 17.24 R-1 Single Family Residence District:** Council member Smith introduced a synopsis of the first reading of Ordinance Amendment 2018-04 commenting that the Amendment was on file at City Hall for review and moved to approve the first reading of Ordinance Amendment 2018-04, seconded by Council member Strong. A roll call vote was taken: Smith-aye, Strong-aye and Kinzer-aye. Motion carried.

Council member Schutte returned at 8:19 p.m.

- 23. Resolution 2018-42 ref: authorizing participation in the supplemental coverage through American Family Life Assurance Company (AFLAC):** Council member Strong questioned the administration portion of participation expressing concerns that this may take too much time from the Clerk. The Clerk explained that once she has the payroll deduction setup, it would be simply submitting payment each month. Council member Strong introduced a synopsis of Resolution 2018-42 commenting that the Resolution was on file at City Hall for review. Council member Smith moved to adopt Resolution 2018-42, seconded by Council member Strong. A roll call vote was taken: Smith-aye, Strong-aye, Kinzer-aye and Schutte-aye. Motion carried.

**PLANNING & ZONING COMMISSION:**

- 24. John Wulf's First Addition – Preliminary & Final Plat:** Previously, the City Council held a public hearing at the request from Mr. John Wulf on May 21, 2018 to subdivide approximately 13 acres zoned A-2 Agricultural District into 2 lots; however, due to the fact that Mr. Wulf had not submitted all the required legal documents, the City Council tabled John Wulf's First Addition Preliminary and Final Plat until he had met those requirements.

McCullough reported that the City has only received two of the eight items that are required; therefore, recommended that the Council take no action at this time. He then referred to Section 16.20.080 within four months of approval by the Council, the subdivider shall record the plat with the Scott County recorder and if the documents have not been recorded within this time, the approval shall become null and void.

**RAGBRAI:**

- 25. Ragbrai Update:** The Clerk reported that both Ragbrai Committee member Wayne Beck and she had prepared a financial worksheet displaying the total costs and revenues received in regards to the Ragbrai event reporting the following: total vendor payments \$1,725.00; total Park Board revenue: \$4,604.50; total expenditures: \$7,610.15; \$400.00 paid to the Walcott 8<sup>th</sup> Grade; \$600.00 paid to Elim Church and \$600.00 paid to the Blue Grass PTA. She added that the City had not yet received the invoices for the ice and/or the beverages through Pepsi. Mayor Guy commended everyone that participated especially the Park Board; however, expressed concerns that a budget amount was not set and recommended that if and when Ragbrai comes through Blue Grass in the future that the Council set a budget as it was his opinion that the City should have done a better way of approving the

expenditures. The Clerk asked the Council if they would consider allotting the Park Board monies for their hard work and involvement as, unfortunately, they netted a loss. Park Board Chair Mike Hermann said that there was a lot of miscommunications as it was the Board's understanding that the only expenditures that the Board was responsible for was on a worksheet presented by the Ragbrai Committee totaling \$2,800.00; however, was satisfied that the Board raised monies to go toward the Walcott 8<sup>th</sup> Grade, Elim Church and Blue Grass PTA and were able to send 20 kids to the YMCA Camp in 2019. Council commended all that participated commenting on how Blue Grass was praised on their partnership with Ragbrai as they did an outstanding job. Discussion was held. It was the consensus of the Council to allot enough monies to fund the YMCA camp sponsorship with the remaining expenditures to come from the Policy and Administration Budget.

**26. Signs:** Mayor Guy reported that he was approached by the Ragbrai Committee as they were requesting that the City donate the signs to a Blue Grass organization; however, it was his opinion that the City paid for the signs that they should keep them and use them in the future. Discussion was held. It was the consensus of the Council to retain the signs.

#### **NUISANCE ABATEMENT(S):**

**27. Nuisance Abatement(s):** Council member Smith questioned why the nuisance abatement on East Mayne was not abated. Mayor Guy agreed to follow up with Chief Jahns. Chief Jahns reported that a notice was served that day on a dangerous animal as it was reported that a dog had bit two children under the age of 5 within a 3 month period; however, the owners informed him that the dog was currently being held in quarantine for 10 days and that once that quarantine was lifted they had planned on getting rid of the dog.

**COMMENTS AND FUTURE AGENDA ITEMS:** Council member Strong expressed safety concerns on a tree branch on or near Cypress Street that is infringing on a stop sign. Robertson agreed to follow up on the concern. She then inquired about her mailbox placement. Janecek reported that the mailboxes will be put back up once the sidewalks are complete.

Council member Smith asked that the City recognize all that participated in Ragbrai by sending a letter of appreciation and post on social media as well. Council member Strong suggested that the City post an article in the Bugle thanking everyone.

Crossing Guard Natalie Hermann expressed several concerns on the new hours set by the Police Chief as she does not feel that the coverage is enough especially for the children commuting to/from school that participate in the School's breakfast program or sports. Mayor Guy agreed and said that he would discuss with Chief Jahns.

The Clerk reported that Municipal Services Manager Matt Pivet from Republic Services had met with her as Republic Services was requesting to amend the City's current contract to add a Recycling Processing Charge and take out the Fuel Surcharge language. She said that she had requested that Republic Services also add in an extension of rates so that there was a benefit to Blue Grass when adding the Addendum. It was the consensus of the Council to have Mr. Pivet attend a Council meeting to discuss rather than set a Special meeting.

Chief Jahns requested that the Ordinance Committee revisit the ATV and Golf Cart Ordinance to better describe what is allowed and what is not. Robertson questioned farmers using their ATV on City Streets. The Clerk added that farmers are exempt with the stipulation that they are going farm to farm and their ATV is registered. An Ordinance Committee meeting was tentatively set for August 16, 2018 at 7:00 p.m.

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

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Mayor Larry Guy

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

**CLAIMS REPORT**

AT&T	TELEPHONE/FAX	94.82
BECK, WAYNE	RAGBRAI-FUNDRAISING EXPENSES	22.06
BLUE GRASS PTA	RAGBRAI-FUNDRAISING EXPENSES	600.00
BLUE GRASS SAVINGS	RAGBRAI-FUNDRAISING EXPENSES	39.98
BP	VEHICLE OPERATIONS	1,046.91
CENTRAL STATES H & W FUND	HEALTH INSURANCE	8,582.00
CENTURYLINK	TELEPHONE/FAX	399.44
DICK-N-SONS LUMBER INC.	RAGBRAI-FUNDRAISING EXPENSES	281.00
ELIM CHURCH	RAGBRAI-FUNDRAISING EXPENSES	600.00
GALL'S INC.	UNIFORM ALLOW	69.99
GENESIS OCCUPATIONAL HEALTH	MEDICAL (DRUG TESTING)	71.00
GOOD SIGN	RAGBRAI-FUNDRAISING EXPENSES	111.00
GUY, BECKY	RAGBRAI-FUNDRAISING EXPENSES	85.58
IA DEPT NATURAL RESOURCES	NPDES PERMIT	210.00
ILLOWA CULVERT AND SUPPLY	BLDG & GROUNDS MAINTENANCE	2,454.00
IOWA LAW ENFORCEMENT ACADEMY	TRAINING/TRAVEL/SAFETY	350.00
IOWA ONE CALL	PROFESSIONAL FEES	60.30
KAM KONCEPTS & WRAPS	RAGBRAI-FUNDRAISING EXPENSES	1,851.00
LANGMAN CONSTRUCTION INC.	N MISS STR RECONSTR PROJ #5	527,598.99
LASER LABS INC.	EQUIPMENT OPERATIONS	111.90
LORENZ, RANDY	RAGBRAI-FUNDRAISING EXPENSES	543.56
MCCULLOUGH, WILLIAM T.	LEGAL SERVICES	1,867.50
MED-TECH RESOURCE INC.	EQUIPMENT OPERATIONS	156.93
MENARDS - MUSCATINE	BLDG & GROUNDS MAINTENANCE	123.94
MIDAMERICAN ENERGY	SEWER PLANT-UTILITIES	3,851.37
MILLS CHEVROLET	VEHICLE OPERATIONS	49.97
OFFICE MACHINE CONSULT	EQUIPMENT OPERATIONS	201.17
PILLAR EQUIPMENT	EQUIPMENT OPERATIONS	114.06
PORTER INSURANCE AGENCY INC.	INSURANCE (NEW SQUAD)	301.00
PS3 ENTERPRISES INC.	RAGBRAI-FUNDRAISING EXPENSES	1,448.00
QUAD CITY TIMES	ADVERTISING & PUBLICATIONS	227.38

REXCO EQUIPMENT INC.	EQUIPMENT OPERATIONS	1,208.10
SANDRY FIRE SUPPLY L.L.C.	EQUIPMENT OPERATIONS	1,262.00
SCHMIDT, ANN	TRAINING/TRAVEL	20.71
SCOTT COUNTY FAMILY Y	SUMMER PROGRAM YMCA	280.00
TALL GRASS BUSINESS RESOURCES	OFFICE SUPPLIES	314.61
TRI CITY BLACKTOP INC.	COLD MIX	115.00
TRUCK COUNTRY OF IOWA	EQUIPMENT OPERATIONS	135.97
VERIZON WIRELESS	TELEPHONE/INTERNET	379.61
WALCOTT 8TH GRADE DC TRIP	RAGBRAI-FUNDRAISING EXPENSES	400.00
<b>***** REPORT TOTAL *****</b>		<b>557,640.85</b>

**FUND TOTALS**

GENERAL FUND	11,800.63
RESERVES: PARK IMPROV FUND	5,346.99
RESERVES: POLICE SQUAD & EQUIP	111.90
ROAD USE FUND	1,322.16
EMPLOYEE BENEFITS FUND	7,356.00
TAX INCREMENT FINANCING	90.00
CAP'T IMPROV FUND	446,502.14
SEWER FUND	4,014.18
RESERVES: SEWER IMPROV	81,096.85
<b>FUND TOTALS:</b>	<b>557,640.85</b>