

CITY HALL
EVANSDALE, IOWA, NOVEMBER 1, 2016
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: Dewater, Loftus, Walker, Nichols, Seible. Quorum present.

Loftus/Walker to approve the November 1, 2016 agenda. Ayes-Five. Motion carried.

Dewater/Seible to approve the following items on the November 1, 2016 consent agenda. A) Approval of October 18, 2016 regular meeting minutes. B) Proclamation declaring October 2016 as "National Anti-Bullying Month". Mayor Faas read proclamation, Marcus Brewer, Waterloo Community Schools thanked the city for being involved in the program. The school system spoke of a new program starting called "Caring Connections". Roll call vote: Ayes-Five. Motion Carried.

Loftus/Dewater to approve Resolution 6012 authorizing payment of bills and transfers. Councilman Seible questioned the engineering fees for the generator at the CRC and also why some of the invoices to Shoff Engineering date back several months and even years. Mayor Faas responded that the engineering fees for the generator was to insure the proper size generator as well as placement. He also expressed that he was surprised the age of some of the invoices, but that Shoff had recently changed ownership and would need to close out some of the old files, you may also have noticed that Shoff did gift us almost \$14,000. Councilman Nichols wasn't in agreement for the charges for the Ellendale project. Mayor responded that he was asked by council to get quotes to proceed with the project with a paved curb and gutter road. Roll call vote: Ayes-Four. Nays-One (Nichols). Motion Carried.

Dewater/Seible to approve Resolution 6013 approving weed and mowing assessments. Councilman Nichols questioned the level of enforcement with other code violations in town. Mayor Faas responded that this ordinance is very specific to assessing the cost to the property owner. Roll call vote: Ayes-Four. Nays-One (Nichols). Motion Carried.

Loftus/Walker to approve Resolution 6014 approving 4th payment to Peterson Contractors, Inc., Reinbeck, IA, for the River Forest Road Reconstruction project in the amount of \$324,076.22. Roll call vote: Ayes-Five. Motion Carried.

Seible/Nichols to approve Resolution 6015 approving change order #1 in the amount of \$3,245 to Tojo Construction for the CDBG project six (6) located at 1737 Enid Street. Roll call vote: Ayes-Five. Motion Carried.

Dewater/Walker to approve Resolution 6016 approving FY2016 Urban Renewal Report. Councilman Seible questioned what the report was for. City Clerk, DeAnne Kobliska stated that it is breakdown of all the TIF areas within the city and a listing of TIF projects in each district. Roll call vote: Ayes-Five. Motion Carried.

Loftus/Nichols to approve Resolution 6017 approving change order #2 in the amount of \$320 to Tojo Construction for the CDBG project six (6) located at 1737 Enid Street. Roll call vote: Ayes-Five. Motion Carried.

Dewater/Loftus to approve Ordinance 646 amending Chapter 99, SEWER RATES AND CHARGES, of the Evansdale Code of Ordinances by increasing user fees an additional \$5 per month, second reading. Roll call vote: Ayes-Three. Nays-Two (Nichols, Seible). Motion Carried.

Walker/Seible to approve request to televise storm water system at Meyers Lake weir to flood gate at Cedar River. Mayor Faas explained that televising the system is a requirement of the Army Corps and since we had to lower the lake for the shoreline rehabilitation project the timing was perfect. He also stated that it could cost as much as \$5000 to televise. Councilman Dewater questioned the timing due to the fact that the water is still up. Mayor Faas responded that we have drained the lake down and it is below the weir and the flood gate has been closed; we will have city workers put in the bladder and drain the remaining water. Councilman Walker questioned if the cost included the cost to televise and clean or just to televise. Mayor responded the cost is for

televising and possible cleaning. Councilman Seible requested a quote to add televising to our current vac-truck. Mayor responded that we received a quote in the amount of \$45,000 for the equipment at the same time they quoted the vac-truck. Seible stated that he believes it would be beneficial to purchase the required equipment to enable us perform our own televising. Roll call vote: Ayes-Five. Motion Carried.

Seible/Walker to approve the request to repair the weir at Meyers Lake in an amount not to exceed \$7000. Mayor Faas explained the need to repair the weir. Public Works Director, Chris Schares has researched and found a company that specializes in this type of weir and can precast a square concrete piece to fit on top of the current one with the gate cast into it. Councilman Nichols questions why we need a gate on top of the weir. Mayor Faas responded the gate on top allows us to control the level of the lake and allow us to lower or raise the water level and will give us more control during a flood or pre flood event. Councilman Nichols questioned the valve at the bottom of the lake and that it should fill that purpose. Mayor explains it is very difficult to close and in the past during flood events it wasn't able to be closed due to back flow. Councilman Seible questioned if the repair cost will come from the \$35,000 levee maintenance fund. Mayor Faas responded yes. Roll call vote: Ayes-Five. Motion Carried.

Discussion/possible action – FLSA Ruling Salaried Positions: Mayor Faas explained the necessity to increase salaries to the new Fair Labor Standards Act (FLSA) salaried position standards. Councilman Dewater questioned if this is federally required. Mayor responded that it is a mandate from FLSA. Dewater questioned the mandate. City Attorney, Laura Folkerts, explained the new FLSA ruling. Which states if we have an employee who is exempt and not making at least \$47,476 they will have to convert them to a nonexempt employee or increase their salary to the new minimum. Councilman Nichols asks if this is an administrative decision or federal. City Attorney responded that it is an agency that has been given the authority to set this level. Nichols questioned if we could just switch to hourly for the salaried employees. The City Attorney responded yes, but we could have to pay time and a half for overtime and comp time. Nichols stated that we just wouldn't authorize overtime. Mayor stated that is not feasible. Councilman Seible does not understand why the city clerk would need to work overtime. Mayor Faas explained that several times out of the year the Clerk is accountable to file reports that are filed only by the City Clerk and you have seen the number of calls that the EMT position fulfills beyond his normal hours. Councilman Dewater can't see the justification when some employees are making minimum wage at \$7.25/hr in the workplace, and not in favor of the mandate. City Attorney pointed out that this will be reviewed every 3 years. Troy Evert, 508 Morrell Ave., stated that he works for Grainger and several positions have been effected. He also stated the City Clerk is doing a great job and she should be rewarded for it. Mayor questioned council on how they would like the Resolution to read. Loraine Atkins, 625 River Forest Rd., stated that she doesn't know how this is considered a "volunteer" fire dept. when they are being paid such a large amount of money. Mayor responded that he is a full time employee. Bill Nichols, 221 Oakwood Dr., stated that if Trump gets elected that several of these regulations will change. Mayor verified that the Resolution for this will be brought back as a salary raise to minimum required amount.

Public Discussion-Non Agenda items: Loraine Atkins, 625 River Forest Rd., questioned the status of the street light. Mayor Faas responded that it will be installed soon. Loraine also questioned the drainage issue at her son, Mark Atkins, home on 909 3rd Ave. Mayor responded that he met with two members from Shoff Engineering, the first step is to get it resurveyed and they are working on it.

John Peverill, 543 East End Ave., asked if the code enforcement officer prefers if people call him if there is a code violation. Mayor Faas responded that it is helpful. Troy Everts, 508 Morrell, stated that on Morrell just east of the nature trail there is need for a street light. Mayor Faas stated that Police Chief Jensen will patrol the area after the meeting to check for safety.

Al Chidester, 176 River Forest Rd., concerned about the amount of time it is taking to complete the River Forest Road Project and would like to know the schedule. Mayor responded that Ryan, Shoff Engineering will be providing an update later in the meeting.

Jackie Harrill, 210 Miner Dr., questioned the process to abate a hoarder in the neighborhood. Mayor Faas responded that our ordinance does not specify what does and what does not constitute as a nuisance, but the City of Cedar Falls has just recently redefined some of their ordinances, for this issue, by making them more specific. He also stated that he would research areas that would make our ordinance more specific. We are working with your neighbor now trying to get the situation under control, but the entire process takes a lot of time. Councilman Seible questioned what conversations transpire when the Mayor speaks to the said home owner. Mayor responded that the home owner admittedly has a problem with hoarding and has been making progress; but unfortunately it may need to become a legal process. Councilman Dewater asked where this home owner is at

with any fines. Mayor responded that he has not received fines at this time. He also explained that if we start giving out fines we will need to continue with that route, or we can take him to court. Dewater questioned if the fines would help assist in a court case. Attorney Laura Folkerts stated that it is better to choose one way or the other. Troy Everts, 508 Morrell Ave., stated that the city should try to implement a plan for nuisance homes. Mayor asked the city Attorney to start the process. Seible stated that we need to update our ordinances to enable the city to take action on some of these issues.

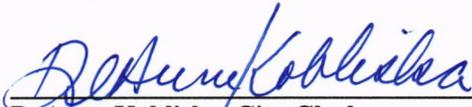
Mayor/Council reports: North Shore project will start on the 2nd of November. CRC, water usage has gone down now that the new pumps have been installed, now only using 250 gal/day. There are a few other things to finish up, and they will be done soon. Army Corps visit on November 15 to review levies and weir at Meyers Lake. Health Insurance may increase as much as 16%-17%, we will budget a 20% increase for FY18. Ryan Fisher, CGA Engineers, updated the council on the River Forest Road Project stating they are not pleased with the progress the contractors are making in some of the construction locations. There are a couple of concern areas that will be poured for completion this week. Mayor asked when they would be pouring cement at old River Forest Road. Ryan responded that they must complete East End and Leonard before they can begin old River Forest Road, otherwise no one would be able to use the access road. He stated that he has instructed the contractors to concentrate on the main roads. Mayor questioned Ryan about the approaches on the driveways. Ryan responded that they will begin pouring the approaches south of East End. Sandra Francis, 312 River Forest Rd., questioned when she would be able to cross to East End Ave. Ryan responded by the end of next week. Leonard Ave. would be accessible in the next few days. Councilman Seible asked mayor to proceed with enforcement for Miner Dr. Mayor got contact information from Jackie Harrill to work together to resolve the issue.

There being no further discussion, Walker/Seible to adjourn the meeting at 7:22 p.m. Motion carried.

ATTEST:



Doug Faas, Mayor



DeAnne Kobliska, City Clerk

