

**THE REGULAR MEETING
OF THE BLUE GRASS CITY COUNCIL
BLUE GRASS, IOWA JUNE 3, 2019**

The Blue Grass City Council met in regular session at 7:00 p.m. on the 3rd day of June 2019, 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. Council present: Schutte, Kinzer, Strong and Slagle. Absent was member Smith.

APPROVAL OF AGENDA: Schutte moved to move Item #6 to the June 17, 2019 meeting, table Items #24, #25 and #26; and table the Dollar General Store #12987 Cigarette Permit renewal under Item #32, seconded by Kinzer. Roll call: Schutte-aye, Kinzer-aye, Slagle-aye and Strong-aye. Motion carried.

Mayor Guy announced the Mayoral Comments.

PUBLIC FORUM: Cameron Ford asked for further clarification on the City's Parking Ordinance as there are 5 drivers in their household; therefore, they have a total of 6 cars which makes parking very difficult. Chief Jahns reported that the City has been receiving numerous complaints from the neighbors on the excessive numbers of vehicles being parked on the street making it very difficult to maneuver around. Schutte informed Mr. Ford that according to the Municipal Code, if a resident maintains their boulevard it is their property; therefore, parking is prohibited reminding Mr. Ford that they had better leave adequate space for fire trucks and/or EMS vehicles if there is ever an emergency. Further discussion was held on the parking of vehicles in a residential district.

CONSENT AGENDA: Slagle moved to adopt the Consent Agenda as presented, seconded by Strong:

- 1. Minutes of the May 20, 2019 meeting**
- 2. Resolution 2019-30**
- 3. Resolution 2019-31**
- 4. Claims**

Roll call: Slagle-aye, Strong-aye, Kinzer-aye and Schutte-nay. Motion carried.

INFORMATIONAL PROCEEDINGS:

- 5. Sawgrass Partners** representative Tom Bracey previously offered to deed outlot areas "A" and "B" located in the Prairie Woods Estates Subdivision to the City; however, Schutte tabled to allow all Council members additional time to research the property.

Strong reported that both she and Smith had viewed the property and it was their opinion that the City not accept the proposal as they do not see any use of the property. Schutte and Slagle agreed. Mayor Guy reported that it was the consensus of the Council to not accept Sawgrass Partners proposal. Mr. Bracey stated that they believe there are two buildable lots; however, one lot may infringe on the City's recreational trail and may need a portion of that property asking for some assistance from both the Attorney and Engineer. Further discussion was held. Janecek asked the Council if they had any issues with Sawgrass Partners beginning the grading of their 2nd Addition to take advantage of the construction season reminding the Council that there would be no liability to the City. Council agreed with the understanding that Sawgrass Partners realizes that this would be at their own risk prior to approval of the subdivision platting.

FIRE DEPARTMENT:

- 6. Report:** Moved to the June 17, 2019 meeting.

BUILDING COMMISSIONER:

- 7. Report:** Building Commissioner Meyrer gave the May 2019 Building Commissioner Report.

- 8. Site Plan Agreement:** McCullough reported that he had sent notice to the new owner Mr. Tim Mattson of Cornerstone Construction Group in regards to the Site Plan Agreement and since then, Mr. Mattson has asked for an extension to allow him additional time to research and determine what the best course of action would be to rectify this issue; therefore, he would recommend postponing any action at this time. Council agreed.

ENGINEER REPORT:

- 9. Report:** Engineer Mike Janecek presented the May 2019 Engineer's Report.
- 10. North Mississippi Street Rehabilitation Project:** Janecek reported that, unfortunately the final grading, seeding and mulching was not complete as they are awaiting the IDOT decision to extend the seeding project. Council expressed their disappointment in Langman Construction in regards to the final grading, seeding and mulching as they feel the work is unsatisfactory. Scott and Dorothy Hearne also expressed their disappointment as they have an excessive amount of rock throughout their property and a major drainage issue causing water to pool on their property and the neighboring resident. Discussion was held on whether the City had the option to delete the job from the Contract and either complete themselves or hire it out as Council wants to resolve this issue as they made a promise to the residents that their property would be put back in its original condition if not better and, unfortunately this has not happened. Janecek agreed to follow up.
- 11. NPDES Permit:** Janecek reported that, at the request of the City, IMEG has temporarily put the Design Phase on hold.
- 12. SUDAS:** Janecek reported that he had drafted both a SUDAS and City supplement and would be setting up a meeting with the City Attorney to further review. Council asked that Janecek make it a priority to finalize.
- 13. Blue Grass Transmission Main:** Janecek briefly reviewed the proposed construction plans submitted from Veenstra & Kimm, Inc. representing Iowa American Water Company to run their transmission line to Blue Grass from its current location. He said that he had submitted a letter addressing a few minor comments on behalf of the City. Kinzer questioned why the curb was not extended at the corners of both East and West Laurretta Street and North Mississippi Street as the resident states that when motorists turn the corner they continuously go into their yard. Janecek said that when the project was designed, the curb had to stop somewhere; therefore, the curb was not extended at these two specific locations based on the fact that the storm sewer would then have to be extended as these two areas are considered to be a rural setting so the curb was not extended.

PLANNING & ZONING:

- 14. Site Plan:** McCullough reported that the Planning & Zoning had met on May 29, 2019 at which meeting reviewed and approved Mr. Chris Jepsen's Site Plan Development with a few stipulations based on the fact that Mr. Jepsen may be constructing additional buildings. Mr. Jepsen said that his overall plan was to possibly construct a total of five buildings depending on the progress of obtaining tenants for his first phase as he owns the adjacent lot.
- 15. Resolution 2019-28:** Schutte moved to adopt Resolution 2019-28 as revised, seconded by Strong. Roll call: Schutte-aye, Strong-aye, Slagle-aye and Kinzer-aye. Motion carried.

PUBLIC WORKS:

- 16. Report:** Public Works Director Lonnie Robertson presented the May 2019 Public Works Department Report.

STREETS:

- 17. Revision to FFC East Telegraph Road:** The Clerk reported that together the Bi-State Regional Commission and the IDOT summarized a letter to the Scott County Engineer requesting the Federal Functional Classification change of East Telegraph Road. Council reviewed and approved the request.

NUISANCE ABATEMENT(S):

- 18. Nuisance Abatement(s):** The Clerk reported there were three grass complaints on a vacant lot in the Prairie Woods Estates Subdivision; however, since then the lot has been mowed.

PUBLIC HEARING:

- 19. Voluntary Annexation:** Strong moved to close the regular meeting and open the public hearing, seconded by Kinzer. Roll call: Strong-aye, Kinzer-aye, Schutte-aye and Slagle-aye. Motion carried. Mayor Guy opened the public hearing. McCullough reported that the City has received a voluntary annexation application from Mr. Tom Egolf to annex approximately 143 acres of property located in Muscatine County into the corporate limits of Blue Grass. The Clerk reported that certified notice was mailed to all the utility companies, Planning and Zoning Development and both Scott and Muscatine County Board of Supervisors as required. She reported that Scott County Planning and Zoning Mr. Tim Huey reported no issues with the annexation. Mayor Guy asked for further discussion, since there was none, Schutte moved to closed the public hearing and reopen the regular meeting, seconded by Strong. Roll call: Schutte-aye, Strong-aye, Kinzer-aye and Slagle-aye. Motion carried.
- 20. Resolution 2019-27:** Schutte moved to adopt Resolution 2019-27, seconded by Strong. Roll call: Schutte-aye, Strong-aye, Kinzer-aye and Slagle-aye. Motion carried.
- 21. Development Agreement:** Strong moved to close the regular meeting and open the public hearing, seconded by Slagle. Roll call: Strong-aye, Slagle-aye, Kinzer-aye and Schutte-aye. Motion carried. Mayor Guy opened the public hearing. McCullough briefly reviewed the 2019 Urban Renewal Area Amendment; whereas, the City was awarding Sawgrass Partners LLC an Economic Development Grant for the undertaking of residential development located in Prairie Woods Estates 4th Addition for the public sanitary sewer and storm water management infrastructure improvements with an amount not to exceed \$120,000.00. Mayor Guy asked for further discussion, since there was none, Slagle moved to closed the public hearing and reopen the regular meeting, seconded by Strong. Roll call: Slagle-aye, Strong-aye, Kinzer-aye and Schutte-aye. Motion carried.
- 22. Resolution 2019-29:** Strong moved to adopt Resolution 2019-29, seconded by Kinzer. Roll call: Strong-aye, Kinzer-aye, Schutte-aye and Slagle-nay. Motion carried.

ORDINANCE(S):

- 23. Third reading/Adoption of Amendment 2019-07:** Schutte moved to accept the third reading of Amendment 2019-07, seconded by Strong. Roll call: Schutte-aye, Strong-aye, Slagle-aye and Kinzer-aye. Motion carried. Schutte moved to adopt Amendment 2019-07, seconded by Strong. Roll call: Schutte-aye, Strong-aye, Slagle-aye and Kinzer-aye. Motion carried.
- 24. Amendment 2019-08:** Tabled until the June 17, 2019 meeting.
- 25. Amendment 2019-09:** Tabled until the June 17, 2019 meeting.
- 26. Amendment 2019-10:** Tabled until the June 17, 2019 meeting.
- 27. Second reading of Amendment 2019-11:** Schutte moved to accept the second reading of Amendment 2019-11, seconded by Slagle. Roll call: Schutte-aye, Slagle-aye, Strong-aye and Kinzer-aye. Motion carried.

28. First reading of Amendment 2019-12: Schutte moved to accept the first reading of Amendment 2019-12, seconded by Kinzer. Roll call: Schutte-aye, Kinzer-aye, Strong-aye and Slagle-aye. Motion carried.

29. Resolution 2019-23: Strong moved to adopt Resolution 2019-23, seconded by Schutte. Roll call: Strong-aye, Schutte-aye, Slagle-aye and Kinzer-aye. Motion carried.

POLICY & ADMINISTRATION:

30. Central States Funds TEAMSTER: Discussion was held on the City's 8 week eligibility period Policy on health insurance as Council felt that if a part-time employee was to be hired as full-time, that that employee become effective immediately. The Clerk reported that according to the City's Insurance Company, the Policy can be changed so that all part-time employees that are transferred to full-time classification will be eligible immediately but the City is still required to satisfy 8 weeks of contributions. Council reviewed the Letter of Understanding and Agreement (LOU) changing the Policy. Schutte moved to accept the LOU Agreement, seconded by Slagle. Roll call: Schutte-aye, Slagle-aye, Strong-aye and Kinzer-aye. Motion carried.

31. Request for use of sick time: Mayor Guy reported that he had a Supervisor approach him about allowing an employee to use their sick leave to care for their spouse due to an unfortunate situation as according to the Contract, the employee is to use their leave first from compensation time; personal; vacation then their sick time. He said that he does not agree with the Policy; however, must be approved by the Council. Schutte felt that these types of decisions should be made on a case-by-case situation. Strong said that since she sat on the Negotiating Committee, she felt that the Policy be followed. McCullough reference the FMLA rules and regulations in which this employee would qualify by taking time without pay; however, time taken with pay must follow the City's Policy. Kinzer referenced FMLA as she is very familiar with and feels that the employee should have their choice of where they want their paid leave taken from. Discussion was held. Kinzer moved to allow the exception and allow this employee to use their sick leave based on the circumstances, seconded by Schutte. Kinzer-aye, Schutte-aye, Slagle-aye and Strong-aye. Motion carried. Strong expressed concerns on setting a precedence; therefore, felt that a limit of how much time could be taken from this employee's sick leave. Kinzer moved to amend her motion to include a limit of paid sick leave to 40 hours, seconded by Schutte. Kinzer-aye, Schutte-aye, Slagle-aye and Strong-aye. Motion carried.

32. RENEWAL(S): Schutte moved to approve BT Grocery/ Jeff's Market; Casey's General Stores #3288 and JLEE Oil/BP cigarette permit renewals for the period of 7/1/19 through 6/30/20, seconded by Kinzer. Roll call: Schutte-aye, Kinzer-aye, Slagle-aye and Strong-aye. Motion carried.

COMMENTS AND FUTURE AGENDA ITEMS: Strong read aloud an announcement made by Principal Gott at a school assembly where Chief Jahns was awarded the "H.U.G." (Helping Us Grow) award for his involvement in creating a plan to solve the parking and traffic congestion issues after school and spending time with the students at lunch every week. Mayor and Council congratulated Chief Jahns on his award. Chief Jahns commended Principal Ms. Gott and on the great relationship she has with the City.

Kinzer asked about the status of the uploading of meeting tapes. The Clerk reported that the issue has been resolved.

Chief Seamer apologized for not presenting his report but would have for the next meeting. He reported that the new Cascade system would arrive this week.

Chief Jahns reported a court date of June 17, 2019 in reference to an employee suspension.

EMPLOYEE RELATION:

33. Review & Select Candidate: Schutte moved to offer Applicants "C" and "D" the part-time Police Officer position with a start date of July 1, 2019 contingent that they pass all the required tests to become certified, seconded by Strong. Roll call: Schutte-aye, Strong-aye, Kinzer-aye and Slagle-aye. Motion carried.

ADJOURNMENT: Schutte made a motion to adjourn, seconded by Strong. Roll call: Schutte-aye, Strong-aye, Kinzer-aye and Slagle-aye. Motion carried. The meeting adjourned at 8:53 p.m.

Mayor Larry D. Guy

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

CLAIMS REPORT

ALEX AIR	EQUIP OPER	3,287.96
AT&T	TELEPHONE	139.78
AXON ENTERPRISE	TRAINING	426.00
BARCO MUNICIPAL	EQUIP OPER	361.28
BP	VEH OPER	985.21
CASEY'S	VEH OPER	1,110.99
CENTRAL STATES H & W FUND	HEALTH INSURANCE	8,302.00
CENTURYLINK	TELEPHONE	418.42
IMEG	ENGINEERING	11,988.52
IOWA ONE CALL	PROF FEES	27.00
JEFF'S MARKET	OPER SUPPLIES	4.73
JLEE OIL	VEH OPER	5.98
KELLOR & KELLOR	GRANT MONIES	1,041.00
MCCULLOUGH, WM.	LEGAL SVS	2,452.50
OFFICE MACHINE	EQUIP OPER	43.27
PS3 ENTERPRISES	BLDG & GRNDS	518.66
QC ANALYTICAL SVS	TESTING	2,290.70
QUAD CITY TIMES	ADVERTISING	463.48
REXCO EQUIPMENT	EQUIP OPER	335.99
TC AUTO	VEH OPER	38.14
VERIZON	INTERNET	379.99
ZIMMER & FRANCESCON	EQUIP OPER	1,289.85
***** REPORT TOTAL *****		35,911.45

FUND TOTALS

GENERAL	14,556.45
STREET IMPROV.	7,418.27
ROAD USE	180.64
EMPLOYEE BENEFITS	6,720.67
TAX INCREMENT	472.50
SEWER	6,562.92
TOTALS:	35,911.45