

February 8, 2016  
Regular Session

The Bellevue City Council met in Regular Session on Monday February 8, 2016 at 6:30 P.M. in the Council Chambers with Mayor Christopher J. Roling presiding. The Pledge of Allegiance was recited by all present. The roll was called as follows:

**PRESENT:** Councilmembers Darla Lawson, Allen Ernst, Gary Feuerbach and Tim Roth. Also present were City Administrator Loras Herrig, City Clerk Abbey Skrivseth, Police Officer Ryan Kloft and Senior Center Director Karen Osar.

**ABSENT:** Councilmember Jayson Heiar

### **APPROVAL OF AGENDA**

Mayor Roling reviewed the Agenda and declared it approved with the addition of a FYE 2017 Budget Session to follow the Regular Session.

### **CONSENT AGENDA**

Feuerbach moved with a second by Lawson to approve the Consent Agenda. Motion carried unanimously.

- A. Approve Minutes of January 18, 2016 Work Session, January 18, 2016 Regular Session and January 27, 2016 Special Session
- B. Approve January Financial Reports
- C. Approve Library Bills and Claims

### **KAREN OSAR**

Senior Center Director Karen Osar provided two updates. March on Meals will be the week of March 21, 2016 and Karen will be asking local business personnel to deliver meals this week. NE13A walk at Felderman Park will be on May 26, 2016 with Off-Shore as the proposed indoor back-up site.

### **PAPERLESS PACKETS**

Councilmember Allen Ernst agreed to try out the option to receive paperless Council Packets through his own device.

### **JUNE 30, 2015 AUDIT UPDATE**

Auditor O'Connor & Brooks set a deadline of February 15, 2016 for City Administrator Herrig to provide all of his missing information to complete the City's June 30, 2015 Audit. If this deadline is not met, the City will have to file for an extension and incur late fees.

### **WATER RUNOFF ON 304 NORTH 4<sup>th</sup> STREET**

Herrig stated a recent storm caused water runoff to a residence located at 304 North 4<sup>th</sup> Street. Water ran off of Marquette Catholic's new gravel parking lot, crossed the City's alley and created water damage to the residence. Marquette Catholic's project does require an engineer's storm water study. Insurance claims are being looked into.

#### **HORSFIELD CONSTRUCTION PAYMENT NO. 5 RETAINAGE**

Roth moved with second by Ernst to approve Payment No. 5 Retainage in the amount of \$17914.04 to Horsfield Construction for the 7<sup>th</sup> Street Reconstruction Project. Motion carried unanimously.

#### **SANITATION DEPARTMENT VEHICLES**

Ernst moved with a second by Feuerbach for the Sanitation Department to purchase a new garbage truck and two new trucks. Motion carried unanimously.

#### **PARKS TO PEOPLE UPDATE**

Herrig discussed information provided by Dave Heiar on the various Parks to People projects that affect Bellevue.

#### **STORM WATER FEES**

The City's current storm water fee was discussed as it was suggested that the current \$5.00 fee (for both residential and commercial) is not justifiable. The Council agreed to discuss this subject at the next Council meeting.

#### **PUBLIC WORKS POSITIONS**

Lawson moved with a second by Roth to approve the hiring of Nick Kilburg as a Temporary Full-Time General Laborer in Public Works Department at a Starting Rate of \$14.14 per hour. Motion carried unanimously. Feuerbach moved with a second by Ernst to approve the hiring of Josh Blake as a Part-Time General Laborer in Public Works Department at a Starting Rate of \$14.14 per hour. Motion carried unanimously.

#### **ORDINANCE NO. 409**

##### **AN ORDINANCE AMENDING ZONING ORDINANCE, ARTICLE IX BOARD OF ADJUSTMENT, SECTION 3. APPEALS**

Lawson moved with a second by Feuerbach to introduce and approve the first reading of Ordinance No. 409. Roll call vote carried unanimously. Feuerbach then moved with a second by Ernst to waive the second and third readings and pass into law upon publication Ordinance No. 409. Roll call vote carried unanimously.

#### **ORDINANCE NO. 409**

##### **AN ORDINANCE AMENDING ZONING ORDINANCE, ARTICLE IX BOARD OF ADJUSTMENT, SECTION 3. APPEALS**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY  
OF BELLEVUE, IOWA, AS FOLLOWS:

Section 1. ZONING ORDINANCE, ARTICLE IX BOARD OF ADJUSTMENT,  
SECTION 3 APPEALS, City of Bellevue Code of Ordinances (2014) is hereby amended as follows:

### Section 3. Appeals.

Appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer, department or board of the City of Bellevue affected by any decision of the Zoning Administrative Officer. Such appeals shall be taken within ten (10) days of the date when the person aggrieved or the officer, department or board affected dischargeable with notice or knowledge of the decision from which the appeal is taken. The appeal shall be perfected by filing a written notice of appeal in the Office of the City Clerk and the payment to the City Treasurer of an appeal fee in the amount of two hundred fifty dollars (\$250.00) which shall be credited to the general fund of the City of Bellevue. The notice of appeal shall include the name, address, and telephone number of the person appealing the decision, the date of the decision, and the grounds for the appeal. The City Clerk shall then promptly forward a copy of the notice of appeal to the Zoning Administrative Officer. Upon receipt of the notice of appeal the Zoning Administrative Officer shall forthwith transmit to the Board of Adjustment copies of all papers constituting the record upon which the action appealed from is taken.

Upon receipt of a notice of appeal or a petition the Board of Adjustment shall fix a reasonable time for hearing the appeal or the petition, publish public notice of such hearing, and provide written notice of the hearing to the parties in interest not less than seven (7) days prior to the hearing. Within a reasonable time following the conclusion of the hearing the Board of Adjustment shall enter a written decision, which shall be served upon the parties in interest.

The appeal stays all proceedings in furtherance of the action from which the appeal is taken; unless however, the Zoning Administrative Officer upon receipt of the notice of appeal thereafter files a written certification with the Board of Adjustment setting forth the factual basis to support such officer's opinion that such a stay would cause imminent peril to life or property. Upon the filing of such a written certification with the Board of Adjustment the proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Adjustment or by a court of record, upon application filed, notice to the Zoning Administrative Officer, evidentiary hearing and a finding of due cause shown for staying the proceeding.

Any property owner aggrieved by an action taken by the City Council in adopting zoning regulations and/or restrictions may file a written petition directly with the Board of Adjustment requesting modification of such zoning regulations and/or restrictions as applied to such aggrieved property owner. The Petition shall be filed with the Board of

Adjustment not later than ten (10) days after the date such zoning regulations and/or restrictions are adopted by the City Council. The Petition shall include the name, address and telephone number of the person(s) filing the Petition, the zoning regulation and/or restriction, and the grounds upon which the property owner alleges it has been aggrieved. The Petition shall be accompanied by a filing fee in the amount of two hundred fifty dollars (\$250.00) which shall be paid to the City Treasurer and credited to the general fund of the City of Bellevue.

Upon receipt of a Petition the Board of Adjustment shall fix a reasonable time for hearing the appeal or the petition, publish public notice of such hearing, and provide written notice of the hearing to the parties in interest not less than seven (7) days prior to the hearing. Within a reasonable time following the conclusion of the hearing the Board of Adjustment shall enter a written decision, which shall be served upon the parties in interest.

**Section 2. Repealer.** All ordinances or parts of ordinances in conflict with

this ordinance are hereby repealed.

**Section 3. Severability.** If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

**Section 4. Effective Date.** This ordinance shall be in effect after its final passage, approval and publication as provided by law.

Passed and approved this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Christopher J. Roling, Mayor

Attest:

\_\_\_\_\_  
Loras Herrig, City Administrator

**CERTIFICATION**

I, Loras Herrig, City Administrator, do hereby certify that the above is a true and correct copy of Ordinance No. 409 which was passed by the Bellevue City Council on this \_\_\_\_\_ Day of \_\_\_\_\_, 2016 and published in the Bellevue Herald-Leader on the \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Loras Herrig, City Administrator

**ORDINANCE NO. 410**

**AN ORDINANCE AMENDING ZONING ORDINANCE, ARTICLE XI AMENDMENT OR SEPARABILITY CLAUSES, SECTION 2 APPLICATION FEE**

Feuerbach moved with a second by Ernst to introduce and approve the first reading of Ordinance No. 410. Roll call vote carried unanimously. Lawson then moved with a second by Roth to waive the second and third readings and pass into law upon publication Ordinance No. 410. Roll call vote carried unanimously.

**ORDINANCE NO. 410**

**AN ORDINANCE AMENDING ZONING ORDINANCE, ARTICLE XI AMENDMENT OR SEPARABILITY CLAUSES, SECTION 2 APPLICATION FEE**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BELLEVUE, IOWA, AS FOLLOWS:

Section 1. ZONING ORDINANCE, ARTICLE XI AMENDMENT OR SEPARABILITY CLAUSES, SECTION 2 APPLICATION FEE, City of Bellevue Code of Ordinances (2014) is hereby amended as follows:

Section 2. Application Fee. A petition to amend, supplement, change, modify or repeal any provision of the Zoning Ordinances shall be accompanied by a filing fee of two hundred fifty dollars (\$250.00). The application fee shall be paid to the City Treasurer and shall be credited to the general fund of the City of Bellevue. The application fee shall be non-refundable; and no portion of the application fee shall be refunded for failure of said amendment, supplement, change, modification or repeal to be adopted and enacted by the City Council.

Section 2. *Repealer*. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 3. *Severability*. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

Section 4. *Effective Date*. This ordinance shall be in effect after its final passage, approval and publication as provided by law.

Passed and approved this day of, 2016.

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Christopher J. Roling, Mayor

Attest:

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Loras Herrig, City Administrator

#### CERTIFICATION

I, Loras Herrig, City Administrator, do hereby certify that the above is true and correct copy of Ordinance No. 410 which was passed by the Bellevue City Council on this \_\_\_\_\_ day of \_\_\_\_\_, 2016 and published in the Bellevue Herald-Leader on the \_\_\_\_\_ day of \_\_\_\_\_

\_\_\_\_\_, 2016.

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Loras Herrig, City Administrator

**RECEIPTS AND DISBURSEMENTS**

The following amounts were received or expended in the month of January:

<b>FUNDS</b>	<b>RECEIPTS</b>	<b>DISBURSED</b>
<b>GENERAL:</b>		
Basic General Fund	53090.50	101771.58
<b>SUB FUNDS</b>		
P.I.L.O.T.	2500.00	
Library Gift		
L.O.T. Prop Tax Red	7904.04	
Reserve Accounts	400.00	
Museum		634.74
Franchise Prop. Tax	1950.30	
Franchise Streets	1950.30	
<b>SPECIAL REVENUE</b>		
Park Imp. Project	562.14	13509.35
<b>SUB FUNDS</b>		
Streets Cap Fund	189086.51	48950.63
L.O.T. St. Imp. Project	12431.43	4230.17
Fire Dept. Cap. Fund	5300.00	
Employee Benefits	3154.81	
T.I.F. Fund	4000.61	
Debt Service	9037.49	
Road Use Tax	19704.20	20422.07
<b>PROPRIETARY FUNDS</b>		
Ambulance	6169.15	8456.52
Telecommunication	107276.41	119459.40
Sanitation	32234.29	26654.75
Water	24724.10	157944.23
Electric	200357.80	186834.65
Electric Cap. Fund	10000.00	
Customer Deposit	388.00	448.00
Sewer	35845.97	16262.12
Storm Water Fund	5898.45	5295.42
<b>TOTALS</b>	<b>733966.50</b>	<b>710873.63</b>

**LIBRARY BILLS AND CLAIMS**

The following Bills and Claims were paid as authorized:

Baker & Taylor	Library Books	399.85
Demco	Office Supplies	198.37
Iowa Communications Network	Telephone	9.58
Lampe True Value	Operating Supplies	18.97
Midwest Business Products	Computer and Copier Expense	154.53
Petty Cash	Postage and Misc.	74.20
Weber Paper Company	Office Supplies	136.00
Windstream	Telephone	64.58

**ADJOURNMENT**

As there was no further business to come before the Council, Ernst moved with a second by Roth to adjourn at 7:10 P.M. Motion carried unanimously. Following the Regular Session adjournment, the Council met to for a FYE 2017 Budget Session.

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City Clerk

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Mayor