

May 16, 2012
Regular Session

The Bellevue City Council met in regular session on May 16, 2012 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 call was as follows:

PRESENT: Councilmembers Darla Lawson, Tim Roth, Gary Feuerbach, Dan Blitgen and Allen Ernst. Also present were Assistant Chief Dennis Schroeder, Public Works Director Chuck Kueter, IIW Engineer Mark Jobgen, Fire Chief Kent Clasen, Mary Bayless, Mary Nevans-Pederson and Administrator Loras Herrig

ABSENT: None

APPROVAL OF AGENDA

Mayor Roling reviewed the agenda and declared it approved with the addition of:

1. Fire Chief Kent Clasen – Rodeo Fireworks
2. Rise Grant Information
3. Police Week Proclamation

MAYOR PROCLAMATION FOR POLICE WEEK

Mayor Roling read a proclamation honoring peace officers that have fallen in the line of duty. In 1969 Chief Earl Berendes is the only officer that died in the line of duty for the City of Bellevue. Mayor Roling also recognized the continuing service of the Bellevue Police Department and commended them for their efforts.

PUBLIC HEARING ON STORM SEWER GENERAL OBLIGATION LOAN

Mayor Roling announced that the public hearing was open for the Storm Sewer General Obligation loan in the amount of \$450,000. There being no one present it was moved by Feuerbach and seconded by Ernst to close the public hearing. Motion carried unanimously.

MARY BAYLESS STORM WATER ISSUES

Mary appeared before the Council to discuss the continuing storm water issues she has experienced at her home. Mary said she has suffered through two flood events that did damage to her home so she asked if the Council could do anything to alleviate her problem. The Council reviewed a letter from IIW Engineer Mark Jobgen detailing improvements that could be made in the alley area behind Mary's house. Public Works Director Chuck Kueter also offered possible solutions. It was moved by Feuerbach and seconded by Lawson to approve a storm water project in an amount not exceeding \$10,000 adjacent to the Mary Bayless property. Motion carried unanimously.

RODEO FIREWORKS

Fire Chief Kent Clasen appeared to discuss a fireworks display at the annual Jackson County Pro Rodeo. The Bellevue Fire Department was approached to see if they would be able to handle the display. Fire Chief Clasen is working with J&M Fireworks. The question for the Council would be whether or not the Bellevue Fire Department would be able to handle the fireworks display in their capacity as firemen or if they would need to do this independent of the Bellevue Fire Department. The Council discussed all the merits and disadvantages of allowing the Fire Department to light the display. The main concern expressed would be the increased liability for the City. It was moved by Blitgen and seconded by Feuerbach to not allow the Fire Department to be involved in the fireworks display at the Rodeo in their capacity as Bellevue Volunteer Fire Department members. Motion passed on a 3 to 2 vote with Councilmembers Ernst and Roth voting no. Clasen also updated the Council on the upcoming Heritage Days fireworks activities. This year it will be necessary to block off Riverview from State to Jefferson for spectators in order to bring the City into compliance with fireworks safety.

CONSENT AGENDA

It was moved by Ernst and seconded by Blitgen to approve the Consent Agenda. Motion carried unanimously.

- A. Approve minutes of 5-2-2012 regular session
- B. Approve April Financial Reports
- C. Approve Bills and Claims as authorized
- D. Approve Library Bills and Claims as authorized
- E. Approve re-appointment of Steve Roling, Bill Sieverding and Clayton Pederson to the Tree Board Commission for 3 year terms ending 6-30-2015
- F. Approve re-appointment of John Theisen to the Planning & Zoning Commission for a 5 year term ending 7-1-2017
- G. Approve re-appointment of Maurice Anderson to the Board of Adjustment for a 5 year term ending 6-9-2017
- H. Approve re-appointment of Stewart Brooks to the Cable TV Board for a 5 year term ending 8-14-2017
- I. Approve renewal of Class WBN Native Wine Permit for Bellevue Area Chamber Of Commerce effective 6/5/2012
- J. Approve renewal of Class C Liquor License with Sunday Sales Privilege for Keil's Tavern effective 6/17/2012
- K. Approve renewal of Class E Liquor License with Class B Wine Permit, Class C Beer Permit and Sunday Sales Privileges for Benders Foods effective 7/17/2012

DOMESTIC TERRORISM

In response to a citizen appearing at the May 2, 2012 meeting it was moved by Blitgen and seconded by Roth to condemn all forms of domestic terrorism. Motion carried unanimously.

RESOLUTION NO. 15-12 AUTHORIZING AND APPROVING A LOAN AGREEMENT PROVIDING FOR THE ISSUANCE OF A \$450,000 GENERAL OBLIGATION STORM SEWER IMPROVEMENTS NOTE AND PROVIDING FOR THE LEVY OF TAXES TO PAY THE SAME

It was moved by Feuerbach and seconded by Blitgen to approve Resolution NO. 15-12 Authorizing and Approving a Loan Agreement Providing for the Issuance of a \$450,000 General Obligation Storm Sewer Improvements Note and Providing for the Levy of Taxes to Pay the Same. Roll call vote motion carried unanimously.

BOARD VACANCIES

Herrig updated the Council on the vacancies still existing on the City Boards. At the present time there is one vacancy on the Planning & Zoning Commission, two on the Cable TV Board and one vacancy on the Board of Adjustment. The Council asked the citizens to step forward and volunteer to serve on these boards.

ORDINANCE NO. 383 AMENDING TITLE III, CHAPTER 3, SECTION 24 “PLACEMENT OF STOP SIGNS” TO ADD STOP SIGNS AT THE INTERSECTION OF EDWARD AVENUE AND TWELFTH STREET

It was moved by Feuerbach and seconded by Roth to approve the second reading of Ordinance No. 383 Amending Title III, Chapter 3, Section 24 “Placement of Stop Signs” to Add Stop Signs at the Intersection of Edward Avenue and Twelfth Street. Roll call vote. Motion carried unanimously. It was then moved by Ernst and seconded by Roth to waive the third reading of Ordinance No. 383 and pass it into law upon publication. Roll call vote motion carried unanimously.

ORDINANCE NO. 383

AN ORDINANCE AMENDING TITLE III, CHAPTER 3, SECTION 24 “PLACEMENT OF STOP SIGNS” TO ADD STOP SIGNS AT THE INTERSECTION OF EDWARD AVENUE AND TWELFTH STREET.

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

SECTION 1. *Amendment to 3-3-24(1)* Section 3-3-24(1) of the 2009 Bellevue Municipal Code of Ordinances is hereby amended by adding the following intersection:

Edward Avenue & Twelfth Street

North & South

SECTION 2. *Repealer.* All ordinances or parts of ordinance 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 by the City Council this _____ day of _____, 2012.

City Administrator

Mayor

ORDINANCE NO. 384 AMENDING TITLE III COMMUNITY PROTECTION, CHAPTER 1 OFFENSES, SECTION 3-1-9(6) (a) CURFEW FOR MINORS-PENALTIES, OF THE BELLEVUE CODE OF ORDINANCE (2009) CHANGING THE DESIGNATED MANNER FOR SERVICE OF NOTICE

It was moved by Ernst and seconded by Lawson to approve the second reading of Ordinance No. 384 Amending Title III Community Protection, Chapter 1 Offenses, Section 3-1-9(6) (a) Curfew for Minors-Penalties, of the Bellevue Code of Ordinance (2009) Changing the Designated Manner for Service of Notice. Roll call vote carried unanimously. It was then moved by Feuerbach and seconded by Blitgen to waive the third reading of Ordinance No. 384 and pass it into law upon publication. Roll call vote motion carried unanimously.

ORDINANCE NO. 384

AN ORDINANCE AMENDING TITLE III COMMUNITY PROTECTION, CHAPTER 1 OFFENSES, SECTION 3-1-4(6)(a) CURFEW FOR MINORS - PENALTIES, OF THE BELLEVUE CODE OF ORDINANCES (2009) CHANGING THE DESIGNATED MANNER FOR SERVICE OF NOTICE

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

Section 1. TITLE III COMMUNITY PROTECTION, CHAPTER 1 OFFENSES, SECTION 3-1-4(6)(A) CURFEW FOR MINORS - PENALTIES, of the Bellevue Code of Ordinances (2009) is hereby amended as follows:

TITLE III COMMUNITY PROTECTION, CHAPTER 1 OFFENSES, SECTION 3-1-4 CURFEW FOR MINORS.

6. Penalties. The following penalties shall apply to violation of this Ordinance:

a. The penalty for a responsible adult's first violation of this Ordinance shall be a written warning. In the case of a first violation of this Ordinance by a minor, the Chief of Police or the designee of the Chief of Police shall cause a written notice of the violation to be served either (i) by certified mail addressed to the adult responsible for the minor at the last known address of the responsible adult or (ii) by personal service upon the adult responsible for the minor effectuated by a member of the City of Bellevue Police Department. The written notice of the violation of this Ordinance shall include a warning that any subsequent violation of this

Ordinance by the minor for whom the adult is responsible will result in full enforcement of this Ordinance against both the minor and the adult responsible for the minor, including all applicable fines and penalties.

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 _____, 2012.

Christopher J. Roling, Mayor

Attest:

Loras Herrig, City Administrator

ORDINANCE NO. 385 AMENDING THE CITY OF BELLEVUE CODE OF ORDINANCES (2009) TO ADD TITLE VI PHYSICAL ENVIRONMENT, CHAPTER 23 STORM WATER MANAGEMENT UTILITY

It was moved by Blitgen and seconded by Roth to approve the second reading of Ordinance No. 385 Amending the City of Bellevue Code of Ordinances (2009) to Add Title VI Physical Environment, Chapter 23 Storm Water Management Utility. Roll call vote. Motion carried unanimously.

CABLE TV LINEUP CHANGES

The Council reviewed a new line up that had been prepared for the Bellevue Municipal Cable System. The information will be sent out in the June 1st utility bills.

WATER AND SEWER SYSTEM EVALUATION

City Engineer Mark Jobgen appeared to review the partial study of the Spruce Creek Water and Sewer extension. The Council agreed that a meeting should be held with all parties involved to discuss the matter. No action was taken at this time.

JULY MEETING DATES

Herrig reviewed possible dates available for the July meeting. As the original meeting date would be July 4th the Council agreed that the proper meeting dates would be July 11th and July 25th.

BILLS AND CLAIMS

The following Bills and Claims were paid as authorized:

Treas. State of Iowa	Sales Tax 4/1-15/2012	1680.00
IRS	Fed/S.S./Med. W.H.	7866.38
Treas. State of Iowa	Sales Tax 4/16-30/2012	2127.00
IRS	S.S./Fed.W.H./Medicare	7911.13
American Funds	Payroll W.H.	1544.00
Bancard	F.D./Amb. Training Ex.	578.20
J&M Display	Heritage Days/Xmas Fireworks	12650.00
Kody Sieverding	Police Training Reimb.	240.68
Black Hills Energy	City Gas Bills	404.13
Gater Graphics	Baseball Diamond Signs	1015.00
Medical Assoc. Health Plans	City Health Ins.	13895.27
U.S. Cellular	Police Cell Phone	94.99
Gator Graphics	Cole Park Signs	435.00
IPERS	Retirement	10660.46
Treas. State of Iowa	Payroll W.H.	2884.00
Assurant Employee Benefits	City Life Ins.	126.00
Auston's Vinyl Graphics	Amb. Veh. Maintenance	30.00
Bancard	Pool/Cable/F.D./Amb. Exp.	3328.28
Bankers Trust	7 th & 12 th GO Payment	206504.38
BBC America	Programming Charges	223.96
Bellevue Area Chamber of Comm.	Dues	460.00
Bellevue Lumber	Bench Proj./F.D. Bldg. Rep.	538.49
Bellevue Mun. Util.	Utility Bills	3406.47
Bell. Mun. Util.	N.E. Annexation Pymt.	24088.61
Bellevue Pharmacy	Amb. Oper. Supplies	98.75
Bellevue Sand & Gravel	LOT Sealing/Reconst./Bench Pads	1611.41
Bellevue State Bank	Walkways for Life Pymt.	39625.83
Bellevue State Bank	Cable TV Monthly Pymt.	4631.00
Bellevue State Bank	Mthly. Cable Loan Pymt.	2330.00
Bellevue State Bank	Cable Mthly. Loan Pymt.	2584.50
Bellevue State Bank	Bellevue Dev. Proj. Pymt.	26906.25
Bellevue State Bank	2011 Street Imp. Pymt.	49385.00
Big 10	Programming Charges	914.84
Bound Tree Medical	Amb. Operating Exp.	114.87
Casey's General Store	Gas Purchases	952.43
Central Pool Sply. Inc.	Pool Maintenance	2500.00
Central United Ins.	Payroll W.H.	269.66
City of Bellevue	Ofs. Trans./Cable PILT	12503.26
City of Bellevue	PILT Trsf. to Cable	8333.34
Colby Kieffer	F.D. Reimbursement	25.05
Comcast Sportsnet Charges	Programming Charges	2017.80

Com. Elec. Service Inc.	F.D. & Amb. Radio Exp.	262.64
Country Side Feed & Seed	LOT Expense	31.50
Dennis Gerardy	Bldg. Maintenance	505.00
Discovery Comm.	Programming Charges	412.36
Doheny's LLC	Pool Eqpt. Maint.	89.99
Dorsey & Whitney LLP	Cable Legal Exp.	7740.59
EMD	Pool – Swim Tags	286.49
Fastenal	F.D. Rural Eqpt. Exp.	202.95
Fidelity Bank	Bellevue Dev. Project	26908.25
Fidelity Bank	Monthly Cable Pymt.	2330.00
Fidelity Bank	Monthly Cable Pymt.	2584.50
Fidelity Bank	Monthly Cable Loan Pymt.	4631.00
Fidelity Bank	Walkways For Life Pymt.	39625.83
Fire Svc. Training Bureau	K. Clasen F.D. Training Exp.	25.00
Frank Construction	Spray Cole Park Weeds	750.00
Geisler Brothers Co.	City Hall Roof Repair	6500.00
HUB Television Networks	Programming Charges	103.09
I Wireless	Pub. Wks. Cell Phone Exp.	2.22
Ia. Comm. Assurance Pool	Park Street Project Exp.	462.00
Innovative System	Quarterly Maint. Fee	1487.08
Ia. Network Services	Programming Charges	8544.88
Ia. Prison Industries	LOT Traffic Svs. Exp.	104.72
Jamie Haxmeier	City Hall Bldg. Maint.	117.40
John Deere Financial	C. Kueter Clothing Allowance	93.97
Josh Petersen	Swim Lesson Refund	20.00
KCRG	Programming Charges	365.50
Kelly McCombie	Lesson Refund	20.00
Kieffer Plbg. & Htg.	A/C Relocate Exp.	6694.45
Kim Ethington	Amb. Training Exp.	30.00
KLJB	KLJB/KGCW Programming	219.00
KWQC	Programming Charges	657.90
LaMotte Telephone Co.	Internet/Video Charge	1520.00
Lampe True Value	City Misc./Bldg. Maint. Exp.	689.83
Lectronics, Inc.	F.D. Bldg. Sys. Security	164.00
Maquoketa Valley Elec.	Security Light	12.42
Medical Assoc.	F.D. Medical Exp.	72.00
Midwest Business Prod.	Copier Expense	68.73
Midwest Radar & Eqpt.	Police Minor Equip.	120.00
Miracle Recreation Eqpt.	Park Eqpt. Repair	171.53
National Cable TV Coop	Programming Charges	13746.56
Oasis Products Inc.	Dog Bag Dispensers	1339.55
Paramount EMS	Amb. Paramedic Assist	150.00
PCC Inc.	Amb. Billing Exp.	1198.04
Petty Cash	Misc. Reimb.	66.22

Pool Tech	Pool Supplies	4145.13
Positive Promotions Inc.	Amb. Training Exp.	780.08
Rapid Reproductions	Capital St. Exp. Storm Sewer Imp.	694.05
Reliable Office Supplies	Office Supplies	270.17
River Valley Energy	Pub. Wks. Gas Purchases	1097.12
Riverside Gas	Gas Purchases	1669.30
Roeder Bros. Inc.	Eqpt. Repair	256.28
Ruth Sieverding	Monthly Maint. Exp.	650.00
Schoenthaler,Roberg,Bartelt,Kahler	Legal Expense	793.00
Sinclair Broadcast Group	KGAN/KFXA Programming	919.80
Superior Welding Sply.	Amb. Operating Exp.	34.55
The Car Wash	Gas Purchases	539.55
The Herald Leader	Publications	375.00
The Locksmith Express	F.D. Bldg. Rep.	175.00
Till's Garage	Police Veh. Repair	185.15
Tim Kieffer	F.D. Training Reimb.	75.00
Tower Distribution Co.	Programming Charges	131.35
Tribune	EPG Guide	498.40
Truck Country	Sanitation Equip. Repair	118.70
U.S. Post Office	Stamps	742.50
U.S. Cellular	Fire/Amb./Cable Cell Phone	119.88
Universal Electric	Memorial Light	195.65
Waste Authority of Inc. Co.	Tipping Fees	4033.08
Weber Paper Co.	Amb. Bldg. Maint.	28.37
WHBF	Programming Charges	584.80
Wheelworks South	Sanitation Veh. Maint.	20.50
Windstream	Phone Bills	393.62

RECEIPTS AND DISBURSEMENTS

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

General	193786.19	76130.55
P.I.L.O.T.	3881.09	8333.34
Library Gift	162.50	
L.O.T. Prop. Tax Red.	6369.27	
Reserve Accounts	200.00	170.38
Museum		167.97
D.A.R.E.		50.00
Franchise Prop. Tax	2664.19	
Franchise Storm Water	2664.18	(4799.25)
Streets Cap. Project		10081.38
Park Improvement Proj.	1925.00	
LOT Street Dept.	9368.25	2540.78
Fire Dept. Cap. Fund	45.82	

Employee Benefits	57235.22	
T.I.F. Fund	83417.00	1789.14
Debt Service	56723.17	
Road Use Tax	17005.84	12801.86
Ambulance	17560.82	3101.71
Amb. Cap. Fund	5000.00	
Telecommunication	88864.77	91061.84
Sanitation	23703.78	22171.46
Water	25205.15	11795.89
Electric	168797.30	156770.53
Elec. Cap. Impro.	10074.05	
Customer Deposits	766.00	768.00
Sewer	34020.74	25641.97
TOTALS	809440.33	418577.55

ADJOURNMENT

There being no further business to come before the Council it was moved by Lawson and seconded by Blitgen to adjourn. Motion carried unanimously.

City Administrator

Mayor