

The City Council of Gilbertville, Iowa met in Regular Session on Monday, May 6, 2013 at 7:00 p.m. at City Hall with Mayor Fischels calling the meeting to order. Council members present: Kavalier, Meinert, Thome and Becker. Savage was absent. Quorum present.

Mayor Fischels led the Pledge of Allegiance.

Pledge
of Allegiance

Motion by Thome, seconded by Kavalier to approve the May 6, 2013 regular session agenda. Ayes - Four. Motion carried.

Approve
Agenda

Motion by Becker, seconded by Meinert to approve the following items listed on the consent agenda: 1) Minutes of the April 15, 2013 regular meeting; 2) Resolution 2013-847 authorizing payment of bills; and 3) Utility Billing Reconciliation for the month of April, 2013. Ayes – Four. Motion carried.

Consent
Agenda

Maggie and Larry Burger were present from Speer Financial. Maggie explained the 2006 GO Bond will be callable June 1, 2013. The city could call and reissue the bond with an approximate savings in interest of \$30,703.00. If any other bonding needs done for upcoming projects it would be good to include them to save on the cost of issuance since interest rates are still low. The public hearing would be set at the next meeting and the sale could be done at the following meeting. Council agreed that the city should proceed with this. Maggie reviewed the amendment to the TIF law in 2012. If a public building is paid for with TIF funds a feasibility statement must be provided telling the State of Iowa why it is imperative or more feasible to pay with TIF funds versus a debt service levy or any other way. Bond Council will help write the statement. The Urban Renewal Plan would need to be amended to include any project that is being completed using TIF funds. If purchasing land for a public facility it can be purchased with TIF funds but the same rules apply. Becker explained that there is approximately 20 acres of land available on the North End of town that is undeveloped and the city approached the owner about purchasing it. He doesn't think the land is in the TIF area but it is in the city limits, although it hasn't been plotted. The thought process regarding purchase of the land concerns our need to do something with the fire station at some time whether we build or add on to the existing one. The land may be all residential or include a fire station on part of it. Thome stated another question for Attorney McCoy is whether or not the city should be the developer. Becker questioned our options. Do we have the bonding capacity when including the waste treatment plant? Maggie stated the current remaining debt capacity is 1.057 million. The last time the waste treatment plant financing was discussed the city indicated a majority of it was going to be done through a combination of SRF program and sewer user fees. She thought we talked about \$400,000 to \$600,000 in GO Bonds to be used as startup funds during construction. This would cut into debt capacity. If the city is interested in privately developing the land instead of using it for public purpose the bonds may be subject to taxation, with a difference in interest rates of .5 to 1.0 %. If the land is purchased knowing part will be used for public purpose and part private development the bond counsel can do part as taxable and part as nontaxable. Becker stated the city isn't looking to be the developer and he believes the bonding capacity will increase in the next few years because of increased value and more houses built. Maggie stated the first step is to see if the property sits in the Urban Renewal District as it would need to be in the plan before it is purchased. If it does not we will need to take action with Bond Council to have it included in the plan. A public hearing needs to be held to purchase the land. A reverse referendum could be held to purchase the land if it isn't being purchased for public purpose. This would be a public hearing approach but ten percent (10%) of the voters could stop the purchase with a petition. The petition would say they either want you to abandon the purchase or take it to a vote of the people; if no petition is presented council can proceed with the purchase of the land. Discussion was held on election time frames to try and include it with the next election. Thome asked if it would be a problem if the city wanted to purchase the land and the bonds were sold to purchase the land but no agreement was reached with the landowner. Maggie stated we will hold the public hearing but not purchase the bonds until an agreement is reached. Even if land is in Urban Renewal District it does not have to be paid for with TIF funds. Becker asked Maggie for a time line and she said she would prepare one. Clerk Adamson asked if the land was purchased and then sold to the developer and offer a rebate agreement does it need to be in the Urban Renewal District. Maggie stated if they buy it now without TIF funds it does not need to be included now in the area but if it is resold with the intent of offering a rebate agreement it would need to be included before selling it. Larry stated if we don't know the plan for the land we could have a taxability problem. If the land is given to the developer and the city wants to get the value off the houses it would need to be in the area. Maggie stated a

Bond
refinancing
and
new issue

plan will need to be in place before selling the bonds. If any developers are interested a bond anticipation note could be done for a few years. Bought as a taxable issue and tax is paid for two (2) or three (3) years but if not sold it will have to be paid back and risk the interest rates increasing. Attorney McCoy verified that the refunding is an essential service to the public and no public hearing is needed. If Council decides to increase the bond to include purchasing the land it then becomes non-essential and notice has to be given to the public to allow them to decide if they are opposed. He questioned if it were done this way would it delay the refunding? Maggie stated essentially the city would have two (2) public hearings. The refunding would be done as an essential public purpose and the other would be for a non-essential service. Attorney McCoy asked if the bonds would be issued at the same time. Maggie stated hopefully they would because that would save in issuance fees of approximately \$17,000. If possible both would be done at the same time but if it is stalled for any reason the refunding will be completed. Attorney McCoy stated the third option the city could increase the bond amount to use it for a nonpublic purpose and that would be taxable. The interest rate would be higher because it is taxable. Becker stated we know we need to borrow money for the waste treatment plant and should we be including this now? Larry asked where the project was at and when it was anticipated to be ready proceed. Delagardelle stated the DNR will not approve the facility plan because of low water flows we have had. We had nothing to base flows on the last few weeks. We have gotten comparable flows for high periods so they should have something to base it on. Larry stated we need to get through the key hearing but if the waste treatment plant develops in this time we can include it. Maggie stated we can include it in the essential corporate purpose public hearing with a "not to exceed" amount and it will be done even if the issue isn't done until later and the hearing should last a few years. Thome stated when it comes to the waste treatment plant we have a new deadline we need to meet and we need to get moving. Maggie stated if the money is borrowed it needs to be spent within a twelve to eighteen (12-18) month period per IRS regulations. John McCoy stated that the amount for the waste treatment plant would decrease the city debt capacity. Maggie stated the hearing doesn't impact debt capacity the amount borrowed does. If we state "not to exceed \$600,000" in the public hearing but only borrow \$400,000 the \$400,000 affects the debt capacity. Some of it can be done on a revenue bond and that does not affect the debt capacity. The SRF has re-priced and all new loan applications are coming in at 2% rate for twenty (20) years which is the lowest rate you will find in revenue bonds. She can get us an estimated schedule so we know what payments would be and what rates need to be for sewer. Larry stated we should run with current rates because they are one percent lower (1%) than when figured last time and therefore not as much money would need to be borrowed through GO bonds. If we can cut down the GO funds needed for the waste treatment plant we would have more debt capacity for other needs. Thome stated our main purpose was to get the land, not to necessarily build the station right away but to have it available if that is the direction the city chooses to go. Also, if we want to grow in the city there aren't many options. Maggie stated she will check the debt capacity because if there has been growth she will check the 2011/12 values and if there is an increase that would free up some debt capacity. Becker stated we don't want to max out our debt capacity in case of an emergency. Maggie will contact Bond Council to get the process started. She will have the hearing prepared for sewer, refunding, and land options because it will not cost anymore to have the hearing and it doesn't obligate the city to proceed. Larry questioned the estimated cost of the waste treatment plan. Public Works Director (PWD) Delagardelle stated it was 1.8 million but with the three (3) year delay it is probably over 2 million. Larry recommended having the hearing for 2.5 million and that would cover it. A hearing would need to be held for the SRF funds anyway so the hearing will be held and once the city is ready to proceed with the project they can decide how to do the funding. Attorney McCoy stated he believes the city needs to decide if they want to use the land for public or private use so we can begin looking into having it added to the next election if needed. The next agenda will include setting date for public hearing for bond issues. Before the next meeting Maggie will talk with Bond Council regarding putting the land in the Urban Renewal Area if it isn't currently in. Becker stated he had talked with the land owner and he is not opposed to selling but they didn't talk any amounts. Maggie stated if it is the Urban Renewal Area it speeds the process up but an amendment would still need to be done because of new legislation. Maggie asked PWD Delagardelle if the City Engineer had filed an IUB. He stated we had but we just received a letter from SRF that our three (3) years is up. Maggie will contact them and let them know we are still moving ahead and will get an update from Tracey.

Chief Northland stated after the last meeting he talked several times with Candi Yoder. He recommended she get five (5) to six (6) people together to have a meeting. She said she would and he hasn't heard back from her. He talked to Attorney McCoy and he said the city should have some

things in place for protection. Attorney McCoy stated he did some research online and there are packets available on the National Neighborhood Watch to aid in determining guidelines. You don't want people trying to perform law enforcement duties. Neighborhood watch is intelligence gathering and communicating with law enforcement officers so they can enforce the law. Private citizens don't have the immunities or training law enforcement has. If the city wants to do this it needs to be safe so no one gets hurt. If the Council approves this they want to have guidelines in place so the City isn't liable if something happens. Chief Northland stated he explained to her the liability issues for both sides and that there could be potential costs involved with the program. He isn't sure if they are asking for a calling tree or if they want extra patrol. He is unsure where they want to go which is why he asked to set up a meeting. It sounds like they want to do it themselves because it would take too long to go through the city. Attorney McCoy stated they need to understand they aren't immune to obeying the law and can't go vigilante just because of good intentions. If intelligence is gathered they will want to coordinate with law enforcement so the criminal can be captured. He thinks it is good to determine what they want to accomplish because if there aren't specific goals people lose interest after a while and they don't follow through. This would be a valuable service if it is intelligence collection and would make Gilbertville a safer place. Chief Northland stated he told Candi after they got together they could come up with a presentation to bring to the Council. His involvement would be to ensure the city is covered. He won't run the program but will assist them in setting it up. He left it in Candi's hands and told her he is willing to help and so far he hasn't heard anything. Rachelle Corkery asked from the information already gathered what would be ball park figures for cost? Is there a cost to just have the program? Chief Northland stated the cost would be for signage. Rachelle stated that there needs to be cooperation between the group and city at all times. Thome stated it seems that the signs area a big part of deterring criminal activity. Thome and Becker stated the signs shouldn't be the issue as that is part of the process and the city is willing to help with those. Attorney McCoy stated if they plan to go on patrol you want them to have the training to retreat. Chief Northland stated the purpose of having a meeting was to determine what people from different areas of town want. Thome stated the watch doesn't have to be over the whole city it can be done in one area. Thome talked with a school representative and they were looking into having juniors and seniors help at the crosswalk. Chief Northland stated he talked to the Principal regarding the crosswalks and where they should have help. Attorney McCoy stated if you focus on the more serious crime you should include the entire city. Even if parts of the city aren't active the signage would aid in deterring people. Thome asked Rachel if she was heading this up. Rachelle stated Candi is but she was unable to attend. The main concern when this came up involved someone not in town during school hours. She asked if there was any update on this. Chief Northland stated he made contact with the person that was driving the car in question and it was a parent dropping off their kids for school. Becker commented that a bit of paranoia started around town when the white car was spotted and the emails contributed to this. He has seen a white car around town that is an appraiser and they drive around town and stop and take pictures etc. He feels that some of the emails were over the top and many times there is a logical explanation for things. Thome stated he called Sherriff Thompson and he was unaware himself that anything like this was going on. Becker stated he is glad people are aware of things but feels it went over the top and people need to use common sense in dealing with things. Rachelle stated that people aren't aware of their surroundings and they need to be more aware and communicate with other people. Thome stated he thinks the neighborhood watch is a good idea. Chief Northland reported he purchased poster frames and is having posters printed for the schools with different safety messages. Thome stated he also asked the school about having Chief Northland visiting the schools and was told Black Hawk County has an Officer that does that and they are happy with the program.

Motion by Thome, seconded by Becker to approve a request from Dick Klein to close 9th Avenue on July 20th from 5:00 p.m. until 11:00 p.m. Ayes – Four. Motion carried.

Close 9th
Avenue

Discussion was held on the water and sewer rate ordinance. Currently it includes a ten percent (10%) increase each year. Mayor Fischels would like to change the ordinance to include wording that it must be reviewed each year and eliminate an automatic increase. If we have a project going on we raise it if not we hold it. Kavalier questioned what the average increase was on bills. Thome stated it isn't one year it is that each year it is 10% more which adds up. Mayor Fischels stated in 2009 it was \$7.66 minimum and if it goes up 10% this year it is \$11.22 and that is a lot more than 10%. Kavalier stated he goes through about 4,000 gallons a month and that is roughly \$16.00 per year. Mayor Fischels stated that every year 10% is added it increases more and sewer is a higher rate so the increase is a lot more. Becker stated we have to keep in mind that next year we have a waste treatment plant but he agrees that he doesn't like an automatic increase. No increase in water was budgeted for next year. Mayor Fischels stated we are going to have to drill a new well soon. PWD Delagardelle stated it would be at least two (2) years to get a permit to drill a well. The well will be televised tomorrow morning to discover what is wrong with it. Mayor Fischels stated we need to start the paperwork to replace the well. Thome questioned how much a new well was. PWD Delagardelle stated he talked to the Engineer and he guessed about \$200,000 and he talked to another person and they thought probably about \$250,000 with all the controls needed. Kavalier

asked if any of the smaller companies could do it for less. PWD Delagardelle stated we will take bids. Becker stated that really we just want to take the automatic increase out. Thome stated we can take it out and review it each year. Kavalier stated he would like to pay a little more now rather than later. Meinert asked what the \$5 surcharge was for. Becker stated it is for paying debt on the water tower and water lines. Clerk Adamson stated all debt is paid for with TIF revenue and not water revenue. Becker stated that the water lining projects has not been completed and the surcharge paid for that. PWD Delagardelle stated the surcharge was used to replace water main and now we are trying to build it up to paint the water tower. It hasn't been used for budgeting purposes but for upgrades. Thome stated that every year we talk about the 10% and dropping the surcharge. If we aren't going to do anything we need to just leave it. Mayor Fischels stated he wants it changed to be reviewed each year. It may need to have an increase this year but he wants it reviewed each year. Becker stated the first year it went up .76 and this year is \$1.02 and which ends up being more than 10%. PWD stated unfortunately we don't know what we need for funds for projects. Clerk Adamson stated the ordinance can read it isn't an automatic increase each year but after reviewing the Council can determine the rate. Mayor Fischels stated it will probably be raised 10% but it gives the option of not raising 10%. Meinert stated there are a lot of citizens on fixed incomes who aren't getting a 10% increase in income each year. Becker stated we know we will have to raise them every year but he thinks it should be reviewed every year. Motion by Thome, seconded by Meinert to review rates every year. Ayes Four. Motion carried.

Clerk Adamson stated we changed the policy for raises so that they would be reviewed each year. Kavalier asked what percent they were going up. She said it is up to the Council; 3% was included in the budget and the League budget report had a 2% CPI. Thome stated he feels the reviews need to be completed first otherwise there is no basis for the wage reviews. No one likes to do them but sometimes it is a necessity. Becker suggested reviews be completed by the next meeting. Meinert stated she would get hers done. Kavalier stated it didn't do any good when they were completed before and it is a waste of time. Thome stated if he doesn't want to do the review than we just need to set the pay and move on. Becker suggested getting them done by the next meeting. Kavalier stated he would have his done before the next meeting. Motion by Becker, seconded by Thome to table Resolution 2013-848 setting pay until the next regular meeting. Ayes – Four. Motion carried.

Res.
2013-848
setting pay

Gary Mangrich was present to request a stop be placed at 21st Avenue and 8th Street. He saw in the last minutes that a speed sign was going to be added on top of the hill and he thought a stop sign would slow people down better. Becker stated he thinks that is the only way we can stop the traffic from speeding down that street. Thome questioned if he wanted a sign in both directions. Becker stated you would need to do both ways. Mayor Fischels stated you can't put a stop sign on the County Road because they own part of the intersection. They own the North half of the road. Kavalier stated he isn't against but he would need to deal with the County. Mayor Fischels asked why he wanted a stop sign because it is a dead end road. He would like to have 7th Street opened but he doesn't think that will happen. Dick Bedard stated he lives on 21st Avenue and there are cars that go up and down the road at more than 25MPH. He believes a stop sign would be better, otherwise moving the 25MPH sign to Ramakers and/or the city property by the water tower it would make more sense. Mayor Fischels stated they still won't slow down. He thinks it would be easier to enforce and if a few people were ticketed word would get out and slow people down. Mayor Fischels stated it is a dead end road. Becker and Kavalier stated there is a lot of traffic out there. Gary is concerned a child playing will be hit by a car that is speeding. Kavalier stated we need more patrol. Becker stated he is in favor of it. Thome asked if it would be better to have a stop sign coming into town. We can ask the County if we can put one up. Kavalier suggested putting in speed bumps. It could be done without the County and people would slow down. He drives in Cedar Falls and they have them all over. Becker and Thome stated the next item on the agenda is adding a 25MPH speed sign by the water tower and we can try that. We can get approval from the County for a stop sign in case this doesn't work. Mayor Fischels stated not many people live out there. Gary stated there are a lot of kids that drive on that road. Rachele commented that there are certain times of the day and the year when you are coming that way into town and you have that glare on your windshield and you can't see and if you are not slow enough you won't have a reaction time to stop. Mayor Fischels thinks we should have Chief Northland issue a few tickets and that will slow them down. They are going out there all times of the night. Thome thinks the first thing is to get the speed limit sign in place. Thome agrees Chief Northland needs to sit out there and give some tickets. Clerk Adamson stated the ordinance will need to be amended to add a stop sign. Motion by Becker, seconded by Thome to have Chief Northland check with the County and see if a stop sign can be added coming from the East. Ayes – Four. Motion carried.

Request for
stop sign at
21st Avenue
and 8th Street

Discussion was held on pools not in compliance with the pool ordinance. Clerk Adamson was instructed to send a letter to the pools that have been identified as not meeting the code to inform them they are not in compliance and that the ordinance will be enforced this year.

Pool
Ordinance

Motion by Meinert, seconded by Kavalier to approve Ordinance 271 amending section 63.04 pertaining to special speed restrictions. Roll call vote. Ayes - Four. Motion carried.

Ordinance 271
amending
section 63.04
special speed
restrictions

Motion by Thome, seconded by Kavalier to suspend the second and third reading and place on file final adoption of Ordinance 271. Roll call vote. Ayes – Four. Motion carried.

Motion by Kavalier, seconded by Becker to adopt Ordinance 271. Roll call vote. Ayes – Four. Motion carried.

Clerk Adamson requested purchasing a fire file cabinet to store minutes books and other important documents that have historical value in case of a fire. She obtained quotes and the lowest quote for a four-drawer fire proof file cabinet was from Office Express for \$1,554.39. Motion by Becker, seconded by Thome to approve the purchase of a fire file cabinet from Office Express for \$1,554.39. Ayes – Four. Motion carried.

Fire
file cabinet

Motion by Thome, seconded by Meinert to approve the quote from GovOffice for web hosting, service, training and support for a web page. Ayes – Four. Motion carried.

Web page
GovOffice

Department Head Updates: Police Chief Northland reported he had an identity theft case. At the last meeting Council talked about Black Hawk County taking calls and not knowing about them. He talked to Judy at dispatch and now he is receiving all calls via text message so he can follow up on it. Thome questioned if the Council is interested in part-time police help. The new budget includes \$13,800 for part-time help. Chief Northland stated he is going to check with Hudson Police and see what they are paying for part-time help. Thome stated he talked with Sherriff Thompson and asked him how Raymond and Elk Run Heights are set up. Hudson just received a quote from Black Hawk County. He isn't advocating we replace what we have he is asking to potentially add to it. The Sherriff told him we could add to that however we would like. Currently the Sherriff's office took 66% of the calls and 33% were covered by Chief Northland. This makes sense with having a 40 hour police department. Sherriff Thompson said a contract could be set up however we want but it would have to be asked for from either the Mayor or City Council. Becker questioned if this was in addition to our police department adding part-time coverage. Thome stated yes it would be in addition and Sherriff Thompson said we have a little different situation than Raymond or Elk Run because of the high school but if we give him flexibility it would work out good. Thome is asking for the opinion of the Council. This would lessen our chances of things happening but there are no guarantees. He isn't advocating replacing Brian but adding part-time help. Thome instructed Chief Northland to call in 1041 and 1042 as he had been instructed before so County is aware of when he is on duty. Kavalier stated he went to the County Clerk and got a list of revenue received by the city for police fines and that some of the months no funds were received. Thome stated he isn't interested in writing tickets for revenue he is interested in safety. Thome stated Sherriff Thompson is happy to come to a meeting. Kavalier stated the revenue from the County Clerk for November, December, January and August 2012 was zero. September was .14, October was \$55.60 and February was around \$110 and he hasn't gotten around to the getting the last few months because he has been out of action. He understands no gas was purchased in December and that tells him nothing was getting done. Becker made a motion to go into closed session if discussion was going to be held on personnel issues. Thome is asking if we would like to have Sherriff Thompson come to a meeting. Kavalier stated at least we would get some patrol on the weekends. Chief Northland stated you told me to work 6:00 a.m. until 3:00 p.m. during school hours. Kavalier stated you were told to do that for two (2) weeks. Becker stated once again if we are going to discuss personnel issues we need to go into closed session. Thome agreed and stated he had a proposal. Meinert stated she would like to have him come to a meeting. Thome asked the Mayor his opinion. Mayor Fischels stated if the Sherriff comes in a lot of people will be unhappy. Kavalier stated he is willing to listen to him. Becker would like to see the data. Mayor Fischels stated he isn't happy with having him come. Becker stated he would like them to come and get the information and then an informed decision can be made on hiring part-time help. Mayor Fischels stated the city is already getting patrol by the Sherriff because they are through town many times a day. He feels a hornet's nest is being opened but he doesn't care if he comes to a meeting. Council agreed to invite Sherriff Thompson to the next meeting to review what he has to offer. PWD Delagardelle has been made aware of some storm sewer repairs that need done. He has requested the back stop prices. Talked to the Engineer about the Fenton Road curb and gutter and he is going to get back to him. He has been contacted a few times about the curb by the Legion hall on 6th Street and he had the Engineer look at it. The Engineer doesn't think we can get by with a drop curb because it will keep washing off. The Engineer didn't think there was any sense it putting asphalt over a new curb to be used as a drive thru because the moisture between will rot the curb out. The curb isn't in that bad of shape although

Department
Head updates

it is cut off the top some from driving over and snow plowing etc. Kavalier stated they put the asphalt on top of the curb to make the driveway bigger. He doesn't think it is that bad yet. The curb by the Legion is bad and PWD Delagardelle questioned if it is the city's responsibility to put in asphalt. Council doesn't feel it is the city's responsibility and if curb is repaired they will not be allowed to put asphalt back in. Becker suggested giving them the option of the city replacing it with higher curb and no asphalt will be allowed to be installed. PWD believes we have a lot of other places that need curb repairs. Thome stated we need to let them know it doesn't make priority. PWD Delagardelle suggested if the city has a contractor in town doing patch work we can let individuals know and if they want to hire them they can. Thome and Becker asked about the waste treatment plant and PWD Delagardelle stated the Engineer will be in town tomorrow and he will get a timeline from him. The water main leak on 3rd Street will be repaired on Wednesday or Thursday if it doesn't rain.

Motion by Thome, seconded by Meinert to adjourn at 9:18 p.m. Ayes – Four. Motion carried.

Adjourn

Harry Fischels, Mayor

ATTEST: _____
Teresa Adamson, MMC, City Clerk