

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

Rita Becker gave the invocation and Mayor Fischels led the Pledge of Allegiance.

Pledge of Allegiance

Motion by Meinert, seconded by Savage to approve the October 17, 2013 regular session agenda. Ayes - Four. Motion carried.

Approve Agenda

Motion by Savage, seconded by Meinert to approve the following items listed on the consent agenda: 1) Minutes of the September 16, 2013 regular meeting, 2) Resolution 2013-881 authorizing payment of bills and transfers; 3) Utility Billing Reconciliation for the month of September, 2013. Ayes – Four. Motion carried.

Consent Agenda

Public Comment: Jeanne Weber, 821 12th Ave, asked Council if the ice skating rink could be reestablished this year. Councilman Thome stated that depended on whether we have a warm winter. PWD Delagardelle said that there had been activity with someone taking care of the rink but he was unsure who that had been. Councilman Thome asked if plastic had been put down. Randy Mangrich said that water was added slowly, letting it freeze between fillings. PWD Delagardelle stated that weather permitting, we will try to get the rink going.

Public Comment

Mayor Fischels opened the Public Hearing – Water/Sewer Disconnection at 1221 4th Street at 7:04 p.m. The bill is still outstanding. The phone number on the system is wrong. Motion by Thome, seconded by Becker to close the public hearing at 7:05 p.m. Ayes – Four. Motion carried. Motion by Becker, seconded by Meinert to authorize the PWD to disconnect the service and prior to reconnect, the residents will be required to pay the arrears and a \$50 reconnect fee. Ayes – Four. Motion carried.

Public Hearing Disconnect

Kelly Even as representative of Don Bosco requested permission to hold a 5K Glow Run as fund raiser for Post-Prom events. The route would be the same as in the past, with registration starting at 7:00 p.m. and the run starting at 8:00 p.m. on Saturday October 26th and should last 40 minutes to an hour. There would be refreshments afterward at St. Mary’s Hall. The activities director at Don Bosco would make arrangements with the Sheriff’s Office for coverage. Fire Chief Bovy agreed that the fire department could supply personnel. Council consensus was to cover half of the cost for the Sheriff’s coverage of the event.

5K Glow Run

Councilman Kavalier arrives at 7:13 p.m.

Motion by Becker, seconded by Thome to allow the event to take place as planned with the City picking up half of the cost of police coverage. Ayes – Four. Motion carried. No extra insurance would be required for the event.

Discussion took place on Al Neebel’s request to eliminate the “No Parking” on 9th Street. Councilman Kavalier read from the September 6, 2005 minutes which stated: “Al Neebel stated a prior request had been submitted for the removal of the “No Parking” signs on 9th Street. Residents feel parking is limited and the “No Parking” has been enforced in the past. The City Clerk recommended the residents assign a spokesperson who can draft a letter to the Mayor and Council outlining their specific request. The matter will be placed on the agenda for council action. City ordinances will be required to be amended and a hearing will have to be scheduled and held, we’ll have to proceed with formal legal proceedings. The Council thanked the residents for their attendance and comments and they exited the meeting at 7:31 p.m.” Mr. Neebel stated there had been more discussion and asked if any councilmembers remembered what transpired. Councilman Kavalier was the only one who was on the council at that time. He stated that he couldn’t remember. Councilman Becker said that per the minutes, a request had been made to remove the “No Parking” signs, but nothing was done. Mr. Neebel stated that he recalled that Council had approved parking on the street as long as there was no overnight parking. That was why he had not followed through with the petition. Councilman Thome read from the February 20, 2007 minutes, which stated: PWD recommended something be done on 9th Street as vehicles are beginning to park on both sides of the

No Parking – 9th St..

street in the “No Parking” areas.” Councilman Becker referred to the July 21, 2008 minutes, which stated: “Thome brought up the fact that on 9th Street there were 4 cars parked right in front of the “No Parking” sign by the apartments—made suggestion to Police Chief to continue to write parking tickets—since there is no parking on the one side.” And again on the September 15, 2008 minutes: “PWD stated that there are still vehicles parked up on 9th Street—and there is no parking signs up there too—cannot park on the east side of the street up there.” Mr. Neebel stated that it took him little more than half an hour to get a petition signed. He would have done this previously if there hadn’t been the understanding that residents could use the area. Councilman Becker explained that a petition only asks the City to act on it. Whether or not the City wants to act on it that is the process that has to take place. Mr. Neebel stated that on September 20th there was a football game. He as well as two of his neighbors had people over and he was under the assumption that they could use it as long as there was no overnight parking. Then PWD Delagardelle came down and wrote parking tickets (seven tickets written) on his own time. To that Councilman Becker stated that Brian was on City time, as that is the only way he can write tickets. The Council specifically told PWD Delagardelle to issue tickets as there have been complaints about parking along there. Councilman Thome interjected that according to PWD Delagardelle’s timesheet, he had worked from 7:30 to 8:00 p.m. In answer to a question by Councilwoman Meinert, the street is the same width as all other streets in town at 31 feet. The only difference is the cul-de-sac. Mr. Neebel said that 8th Ave is a dead end and there is parking on both sides. Mr. Neebel presented a petition to the Council with signatures of all but two residents he couldn’t catch at home. Councilman Thome read the petition into the record: *“By signing this petition we request that the “No Parking” signs be removed on 9th Street and replaced with signs that will allow parking on both sides of the street with the exception of during snow removal.”* He estimated that fifteen to twenty signatures were on the petition. Councilman Becker stated that getting trucks or heavy equipment to the well was an issue with parking on both sides of the street. PWD Delagardelle stated that there was a problem with the well on Friday night. He was out on a service call with his pickup and a trailer and couldn’t get through to the well except by walking. Mayor Fischels said nothing can be done tonight, that the Ordinance will need to be changed. Councilman Becker stated that over twenty years ago in the 90’s residents came to the Council and requested that there be “No Parking” on one side of 9th Street due to the number of small children in the neighborhood. The City’s other concerns are access to the well and snow removal. Councilmen Thome and Becker stated that since the petition has been presented, the request to change the ordinance needs to go onto the next agenda. Councilman Becker stated that PWD Delagardelle, and the Sheriff’s office, was directly instructed to write tickets for illegal parking. Mayor Fischels stated there is a procedure in place for changing an ordinance. Put the request on the agenda for next time and go from there.

Trina Becker said that putting curb & gutter in on 21st Street has been discussed before but they hadn’t heard anything more. Dan Ramaker stated that his understanding was the City Engineer was going to see what was necessary to put curb & gutter in and they hadn’t heard back all summer long. Councilman Becker stated that the Council hadn’t heard a lot either. His opinion was to leave it as it is since it’s working fine. The excessive cost would come from both the City and residents. To put a curb & gutter and new street in the whole block would be expensive. Mr. Ramaker stated that this is a unique situation with the street being gravel and ½ city and ½ county. He doesn’t care either way but wants dust control to be addressed. Jeff Becker stated that he doesn’t want to put curb in then gravel back down as street. All agreed that originally recycled asphalt was promised if curb & gutter was installed. Curb & gutter would be washed away with just gravel on the road. Mr. Ramaker said that they were waiting to see if the City Engineer deemed it necessary to change the gravel road. PWD Delagardelle stated that according to the engineer’s response if the City did anything to the road like recycled asphalt, we would own it ALL. Then the City would wind up maintaining the whole road without the necessary equipment. Mayor Fischels asked if that meant all the way to the creek. PWD Delagardelle stated that whatever we disturbed would be ours. Although the City owns ½ of the road, the County maintains it. Mrs. Becker asked who would pay for the engineering costs for the “other” (County) side, because they are not going to. Mrs. Becker stated that they put oil on the road to control the gravel dust but the road grader comes along and destroys it. Mr. Ramaker stated that he just wanted to finish his driveway and needs an elevation to go to if a curb & gutter

Curb &
Gutter 21st
St.

will be going in. Mayor Fischels stated that the project would be approved by the City Engineer, but the residents had to pay for the work. Councilman Thome suggested that Mr. Claassen attend a meeting to give some answers. Councilman Becker said that if we are going to put curb & gutter in on both sides of the street it's a huge expense that someone has to pay for, and technically it's the developer. In this case it's the homeowner and the other side of the street isn't in the city limits, so they cannot be included in splitting the cost. If curb & gutter has to be installed in front of the Ramaker's, the City should be required to install it at the water tower. Neither the City or the Ramaker's and Becker's want to be charged with \$50 to \$75 thousand in street costs. Councilman Becker stated that it would be better to leave it as is and be done with it. Mrs. Becker stated that their cost would only be the curb & gutter. The City had promised to put the street in and would assume those costs. Councilman Becker stated the City Engineer has indicated that recycled asphalt is not appropriate for a curb & gutter street. It should be concrete or blacktop to city specifications. When asked what Mr. Ramaker should do about his driveway, Councilman Becker stated that he should put it in where he wants and if the City tears it up down the road they will work with him to fix it. Mr. Ramaker said that was fine with him; he would find out where his lot line is for the street. When the water tower was built, the road was tarred, just like blacktop, but it got torn up again. Mayor Fischels stated that nothing would be done on the north side of the street, because it is in the County. Councilman Becker agreed that if there is nothing done on the north side there isn't any sense in doing anything to the south side. Mr. Becker asked if there was any way to get some dust control once a year or get help paying for some of it. PWD Delagardelle stated that when the water tower was built they had sealcoat put down, and about a month after that it started to get wash holes in it. The County called and said people were complaining about the potholes so they were going to tear it up with the grader and NOT to put it back again or we would own the road. Mr. Ramaker and Mr. & Mrs. Becker said that they had the co-op put down dust control sap at about \$325 for the year for two applications. Councilman Becker stated that he would be willing to help pay for that. The Beckers and Ramakers would be responsible for setting up the application and paying for it, then they could submit a bill to the City. Councilman Savage agreed but felt the arrangement should be officially in writing. Motion by Becker, seconded by Savage to pay for dust control application by co-op at 820 21st St, Dan & Toni Ramaker, and 2006 8th St., Jeff & Trina Becker. Ayes – Five. Motion carried.

The Council discussed raising the fee for Peddlers. Motion by Thome, seconded by Becker to raise the Application for License Fee (122.04) to \$25.00; to raise the License Fee (122.05) for one day or any part thereof to \$100.00, and eliminate entirely the next four steps; to raise the Bond Required (122.06) to \$10,000. Rebates (122.16) would need to be amended to eliminate computing on a monthly or weekly basis. Ayes – Five. Motion carried. Council directed Deputy City Clerk Walters to get Attorney McCoy's recommendation before actually changing Ordinance.

Peddlers

Discussion/Action on pursuing legal action for violation of Gilbertville Code Section 55.06 At Large Prohibited was dismissed. The fee in question has already been paid.

At Large Prohibited

PWD Delagardelle explained the City sidewalk assessment. Precision Concrete Cutting has a patented technique for removing sidewalk trip hazards. They will provide a total assessment of all City sidewalks to identify hazards, without cost to the City. The company provided a demonstration of their technique as discussed at the last meeting. Their assessment report would include a cost estimate for their services if the City should decide to use them. There would be no concrete reconstruction, they simply grind off ridges. The City of La Porte is doing some of their sidewalks. Motion by Kavalier, seconded by Meinert to have Precision Concrete Cutting provide a sidewalk assessment without continued obligation. Ayes – Five. Motion carried.

Precision Concrete sidewalk assessment

PWD Delagardelle stated that Bo's Fencing estimate of \$1,550.00 to install fence at the water tower is for labor only. The City already has all the materials except a few posts. This is a local contractor who installed the fence around the skate park. There is 400 feet of fence plus two gates across the front of the property. The fire hydrant will remain outside the fence. Motion by Thome, seconded by Becker to authorize Bo's Fencing to install fence at the water tower. Ayes – Five. Motion carried.

Water Tower fencing

PWD Delagardelle said that Kluesner Construction did an assessment of all cracks in City streets. This company did the same work about five years ago. They are the only company that has a router to clean out the cracks before putting in asphalt and/or concrete. Councilman Becker asked whether this was in the budget. Yes, it is. He also asked if PWD Delagardelle would recommend doing all those cracks listed or pick and choose. PWD Delagardelle said that it all needs to be done. Councilman Thome question how often this type of work should be done. PWD Delagardelle explained that they would like to do this every year because any crack lets moisture in which causes heaving. Motion by Kavalier, seconded by Savage to authorize Kluesner Construction to proceed with crack sealing of City streets. Ayes – Five. Motion carried.

Crack-sealing by Kluesner

Councilwoman Meinert asked what progress was being made on the police issues. Council Savage responded that Deputy Walters has begun background checks. He then reported that the Sheriff's office had reported spending twenty-two hours on calls for service in the last month, which did not include patrol. Councilwoman Meinert directed the Council's attention to a letter she received from one of the candidates. The candidate made several good points. Councilman Becker interjected that we need to let the County know by the end of November if we are planning on cancelling our 28E Agreement. Otherwise, it extends for six months to June 30, 2014. Councilman Savage stated that there is much that needs to be done besides background checks, like physical fitness and polygraph. Those can't be handled at the interviews. Councilman Thome said that there are new mental health training requirements that need to be addressed. Councilman Savage said there will be costs to get a department up and running whether it's one, two, or three officers. For instance the car video doesn't work, nor does the computer. There was disagreement on whether the Council had decided to go with their own department or stay with the County. Both Councilman Becker and Councilwoman Meinert stated that having a Gilbertville police department was why the ad went out for part-time officers. Councilman Savage stated that it was a hard decision for him to swallow, knowing what kind of money we would have to spend. The City doesn't have the same 24/7/365 coverage with its own police department like it does with the County. We also don't have all the other issues to deal with like vehicles, equipment, and continuing training. Councilman Savage stated that the City could save \$40,000 a year by going with the County which could be put to use elsewhere. Councilman Becker stated that with a part-time chief and one or two part-time officers we could get our forty to fifty hours per week and still save \$25 to \$30 thousand because there would not be benefits. Dan Ramaker stated that with a forty-hour position, you only had about thirty hours of patrol because there has to be administrative time for reports and meetings. Councilwoman Meinert stated that when the ad was placed it was her understanding that the Council was moving forward with hiring if there were qualified applicants, which is definitely the case. Mayor Fischels said the ideal would be to have a police chief with two assistants, all part-time. The Mayor has the authority to appoint the chief with Council approval. Councilwoman Meinert suggested that two Council members handle the interviews and submit the name or names of candidates to the Mayor. Councilman Thome stated that the chief should be hired first, and then he would be involved in hiring deputies. Motion by Becker, seconded by Meinert for Councilmen Thome and Savage to work with the Mayor on selecting police chief candidate. Ayes – Five. Motion carried.

Police Issues

Mayor Fischels introduced Resolution 2013-882 approving Jane Walters as Acting City Clerk and setting compensation at \$21.00 retro-actively to July 1, 2013. Councilwoman Meinert stated that the Council did this when Brenda was filling in for the City Clerk. Deputy Walters has been doing an excellent job and deserves the pay difference. Councilman Becker commented that he was happy to see that the resolution spells out that she will return automatically to part-time status. Since she has the training, he agrees with this proposal. This is something that would need to be considered on a case-by-case basis for all our employees. Rene Weber questioned how long the position would remain open. There was no definitive answer. Deputy Walters works an average of 32 hours per week right now, taking Wednesdays off. Part-time Assistant Mary McGee covers the office on Wednesday. She also covers other days that Deputy Walters is gone and helps with the water bills. Motion by Savage, seconded by Meinert to pass Resolution 2013-882 approving Jane Walters as Acting City Clerk and setting compensation at \$21.00 retro-actively to July 1, 2013. Roll call vote. Ayes – Five. Nays – None. Motion carried.

Res 2013-882
Acting CC

Reports: PWD Delagardelle reported that the backstops are being put in at the softball diamonds starting this morning.

PWD Delagardelle checked with the DOT and Prison Industries regarding the “Children at Play” signs. Prison Industries doesn’t recommend using florescent green signs on anything but school crossings. “Children at Play” are on a yellow background. The Public Works Department just installed one off the end of the bridge on 14th Ave. The 18 x 24 inch signs are \$24.90 each and the 24 x 30 inch signs are \$80.00. LED signs that the County puts up are \$1,600 for the sign and \$535 for the pole for a total of \$2,135 per sign. Flashing lights are not recommended in a residential area because people will complain about the flashing in their windows at night. PWD Delagardelle plans to replace the sign on Parkview with a more reflective one. The Public Works Department will have to get permission from the County to place a sign at the crest of the hill.

PWD Delagardelle reported that they completed curb work at City Hall and at the Legion.

PWD Delagardelle has talked with Bill Claassen on the progress on the wells. Mr. Claassen is still working on plans for well house #4. Well #2 has the ongoing issue with rusty piping.

Attorney John McCoy contacted PWD Delagardelle with information that the engineer and ICAP are at a stalemate. Attorney McCoy is still trying to cultivate a consensus between the two agencies. The disagreement remains on the amount of liability coverage to be provided.

The Veteran’s Park sprinkler system is installed except for the controller. Once that is completed the system will be shut down for the winter.

There are markings on Parkview Drive to get an estimate for replacing the asphalt.

Councilman Thome said the Halloween decorations are nice. The Welcome sign looks like it needs repaired. The paint is peeling.

Fire Chief Curt Bovy said that the siren is finally fixed. It needed the wires switched around. The Open House was Wednesday night. Councilwoman Meinert expressed disappointment that none of the Council showed up in support. The Fire Department has received money from Gene Frost to put a memorial park bench in front of the Dew Drop. PWD Delagardelle said that Mary has been working on it with Dick Gleason. Councilman Thome stated that Linda Freet would know where the other benches were purchased. PWD Delagardelle said that there was an agreement stating the City would maintain the bench in front of Farmer’s State Bank. There should be one on the Cornerstone as well. Councilman Thome encouraged the Fire Department to consider writing grants to the Gaming Association for items they wanted to purchase.

Motion by Thome, seconded by Meinert to adjourn at 8:55 p.m. Ayes – Five. Motion carried.

Adjourn

Harry Fischels, Mayor

ATTEST: _____

Jane Walters, Acting City Clerk