

June 5, 2023
Regular Session

The Bellevue City Council met on Monday, June 5, 2023 in Regular Session at 6:30 P.M. in the Council Chambers with Mayor Roger Michels presiding. The Pledge of Allegiance was recited by all present. The roll was called as follows:

PRESENT: Councilmembers Nic Kueter, Lyn Medinger, Tim Roth, Tom Roth and Jayden Scheckel. Also present were City Administrator/Clerk Abbey Skrivseth and Teresa Weinschenk, Kelley Brown (zoom), Kent Clasen, Jo Fifield, Delbert Jackson and Jeanne Weber.

ABSENT: None

APPROVAL OF AGENDA:

Mayor Roger Michels reviewed the Agenda and declared it approved.

CONSENT AGENDA

Scheckel moved with a second by Tim Roth to approve the Consent Agenda. Motion carried unanimously.

- A. Approve Minutes of May 17, 2023 Regular Session
- B. Approve June Financials
- C. Approve New Five (5) Day Special Class C Retail Alcohol License (BW) with Outdoor Service for River Ridge Brewing Effective June 8, 2023
- D. Approve Renewal of Class C Retail Alcohol License for American Legion #273 Effective July 10, 2023
- E. Approve Cigarette/Tobacco Licenses Effective July 1, 2023
 - Bender's Foods
 - Casey's Marketing Company
 - Bormann's Neighborhood Pitstop, LLC
 - Family Dollar Store of Iowa, LLC
 - C&D Car Wash, LLC
 - River Boat Store Inc.
- F. Approve Downtown Incentive Request: Mary Christine Baker–Upper Story Renovation

PUBLIC HEARING ON ANNEXATION

Mayor Michels declared the Public Hearing open for the Annexation. As there was no one present to come before the Council, Scheckel moved with a second by Tom Roth to close the Public Hearing. Motion carried unanimously.

RESOLUTION NO. 19-23 APPLICATION FOR ANNEXATION SUBMITTED BY EIGHT PROPERTIES

Tom Roth moved with a second by Tim Roth to approve Resolution No. 19-23. Roll call vote carried unanimously.

RESOLUTION NO. 19-23

RESOLUTION APPROVING APPLICATION FOR ANNEXATION

SUBMITTED BY EIGHT PROPERTIES

WHEREAS, eight property owners shown below under the legal description have each submitted an application for Voluntary Annexation to the City of Bellevue, Jackson County, Iowa;

WHEREAS, the real properties are located in Bellevue, Iowa and detailed blow under and are mapped as shown and legally described on Exhibit A attached hereto and incorporated herein by this reference;

WHEREAS, the legal descriptions, property owners, and proposed new addresses and zoning for the parcels are as follows:

<u>Property & Owner:</u>	<u>Proposed New Address & Zoning</u>	
29358 Hwy 52 (North), Parcel ID 010701427008000: Steines Rentals	3100 N. Riverview Street	C-2
Parcel ID 010819226004000: Riverview Enterprises, LLC	202 Potters Drive	C-2
Parcel ID 010819226006000: State of Iowa	1001 S. Riverview Street	A-1
24157 Hwy 52, Parcel ID 010819226005000: City of Bellevue	1005 S. Riverview Street	A-1
24143 Hwy 52, Parcel ID 010819200013000 (south): United States of American	1009 S. Riverview Street	A-1
Parcel ID 010820301001000: Presbyterian Cem Assn	S. Riverview Street	A-1
Parcel ID 010820302001000 St Johns Evangelical Lutheran Cemetery Assoc	S. Riverview Street	A-1
Parcel ID 010820352001000 St John’s Lutheran Cemetery	S. Riverview Street	A-1
Parcel ID 010829101019000	S. Riverview Street	A-1
Parcel ID 010829101020000	S. Riverview Street	A-1
Parcel ID 010829101014000 Bellevue’s Economic & Tourism Association	S. Riverview Street	A-1

WHEREAS, such described property is contiguous to, but not located within, the corporate city limits of the City of Bellevue, Jackson County, Iowa;

WHEREAS, the Applications for Annexation complies in all respects to Section 368.7 of the Code of Iowa (2020);

WHEREAS, the City has considered the Applications and has complied with the requirements set out for voluntary annexation as set forth in Section 368.7 of the Code of Iowa (2020);

WHEREAS, the Applications for Voluntary Annexation has come before the City Council of the City of Bellevue, Jackson County, Iowa for public hearing; and

WHEREAS, the Annexation of the referenced real property is in the best interests of the City of Bellevue, Jackson County, Iowa, and should be approved.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Bellevue, Jackson County, Iowa, that the Applications for Voluntary Annexation submitted for consideration by the City Council by the eight property owners for the above referenced real property is hereby approved;

IT IS FURTHER RESOLVED that the Mayor is hereby authorized and directed to execute such documentation as may be required to effectuate the annexations;

IT IS FURTHER RESOLVED that the City Clerk shall file copies of this Resolution, legal description, and the Map attached hereto with the Jackson County Board of Supervisors, the Iowa Department of Transportation, the Iowa Secretary of State, the public utilities, and the Jackson County Recorder.

PASSED, APPROVED, AND ADOPTED this 5th day of June, 2023.

Roger Michels, Mayor

ATTEST:

Abbey J. Skrivseth, City Administrator/Clerk

APPROVE NORTHEAST IOWA AREA AGENCY ON AGING, INC (NEI3A) FYE 2024 FACILITIES USE AGREEMENT

Kueter moved with a second by Medinger to approve the FYE 2024 Facilities Use Agreement. Motion carried unanimously.

APPROVE AMENDMENT #1 TO THE JULY 1, 2021 LEASE AGREEMENT BY AND BETWEEN TRIO COMMUNITY MEALS, LLC AND THE CITY OF BELLEVUE 07/01/2023-06/30/2024

Tim Roth moved with a second by Scheckel to approve amendment #1 to the July 1, 2021 lease agreement. Motion carried unanimously.

INTRODUCTION, CONSIDERATION, AND APPROVAL OF THE FIRST READING OF ORDINANCE NO. 480 AMENDING TITLE VI MENTAL AND PHYSICAL HEALTH CHAPTER 2 REGULATIONS OF TATTOOING AND TATTOO ESTABLISHMENTS

Tom Roth moved with a second by Medinger to approve the first reading of Ordinance No. 480. Roll call vote carried unanimously.

Tim Roth then moved with second by Scheckel to suspend the statutory rule requiring Ordinance No. 480 be considered and voted on for passage at two additional Council meetings and to be passed now and be put in its final consideration and adoption upon publication. Roll call vote carried unanimously.

ORDINANCE NO. 480

AN ORDINANCE AMENDING TITLE VI MENTAL AND PHYSICAL HEALTH CHAPTER 2 REGULATION OF TATTOOING AND TATTOO ESTBLISHMENTS

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

SECTION 1. *Purpose:* The purpose of this ordinance is to amend Title VI Mental and Physical Health Chapter 2 Regulation of Tattooing and Tattoo Establishments to follow the Iowa Code.

SECTION 2. *Amendment & Replacement:* Title VI Mental and Physical Health Chapter 2 Regulation of Tattooing and Tattoo Establishments is hereby amended and replaced with the following:

4-2-1 DEFINITIONS. For use in this Chapter the following terms are defined as follows:

1. "Tattoo artist" is any person engaged in the practice of tattooing.
2. "Tattoo establishment" is any location where tattooing is practiced.
3. "Tattooing" is to puncture the skin of a person with a needle and insert indelible permanent colors through the puncture to leave permanent marks or designs.

~~4-2-2 PROHIBITION. The practice of tattooing shall be limited to physicians or osteopaths licensed in the State of Iowa, or to individuals directly under their supervision and control.~~

~~4-2-3 REGISTRATION REQUIRED. The owner of any tattoo establishment and any tattoo artist who engages in the practice of tattooing within the City limits of Bellevue, Iowa, shall register annually with the City Administrator and indicate the physician or osteopath under whose supervision and control they are operating.~~

~~4-2-4 PENALTIES. A person who fails to register, or who practices tattooing while not under the supervision and control of a physician or osteopath, shall be guilty of a simple misdemeanor for each offense. In addition, the City may seek injunctive relief and/or money damages for any person who violates the provisions of this section.~~

4-2-2 TATTOOING, STATE CODE ADOPTED. There is hereby adopted and incorporated by

reference Iowa Code chapter 135.37, "tattooing - permit required – penalty," as amended, and Iowa administrative code chapter 641-22, "practice of tattooing", adopted by the Iowa department of public health, revised January 15, 2003, which applies to sanitation and infection control, equipment, procedures, application for permit, the permit process, variances, adverse actions, the appeal process, and procedures for health departments to provide for the inspection and enforcement of such rules.

SECTION 3. *Repealer.* All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 4. *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 5. *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 _____, 2023.

Roger L. Michels, Mayor

ATTEST

Abbey J. Skrivseth, City Administrator/Clerk

**APPROVE RESOLUTION NO. 20-23 APPROVE A THIRD FUND TRANSFER FOR
FYE 2023**

Kueter moved with a second by Tim Roth to approve Resolution No. 20-23. Roll call vote carried unanimously.

RESOLUTION NO. 20-23

A RESOLUTION APPROVING A THIRD FUND TRANSFERS FOR FYE 2023

WHEREAS, the City of Bellevue deems it necessary to transfers from one fund to another, monthly or annually, and

WHEREAS, the City of Bellevue wishes to move these funds prior to fiscal year 2023,

NOW THEREFORE BE IT RESOLVED by the City Council of Bellevue, IA that the following additional transfers shall be made prior to closing the books on fiscal year 2023:

Account #	From Fund	Account #	To Fund	Description	Yearly/Budget Amount
5-750-5-6910-129	Trsf TIF Out	4-950-4-4832-126	TIF Transfer In	Trsf TIF To Economic Development TIF	\$ 76,722.11

Passed and approved this 6th day of June, 2023.

Roger Michels, Mayor

ATTEST:

Abbey J. Skrivseth, City Administrator/Clerk

APPROVE HIRING OF KAREN OSAR AS DINING ROOM & ACTIVITY COORDINATOR AND CONTINUED ADVERTISEMENT FOR POSITION

Skrivseth updated the Council on the application process, three applicants applied but two denied interviews. Karen Oscar was the third applicant and is willing to help work as her schedule allows. Osar will look to set up some senior activities but the importance is to have the center open at a minimum for the lunch hour. Osar is also willing to step back if another individual comes forward that would like to take the position or share the position. The City will continue advertising the position with hours being adjusted to allow for more flexibility with the position. The position is budgeted for up to three hours each Monday, Tuesday and Wednesday for nine hours a week. Michelle Abernathy will also continue to help.

Tim Roth moved with a second by Tom Roth to approve the hiring of Karen Osar at a rate of \$15.00 per hour; to continue Abernathy as a volunteer or paid employee at a rate of \$15.00 per hour and to continue to advertise for the position. Motion carried unanimously.

APPROVAL TO MOVE FORWARD WITH CITY OWNED LOT IN JACKSON PARK SUBDIVISION AND MOVING RIGHTS JJ'S MEMORIAL PARK IN

Skrivseth updated Council that Delbert Jackson would like to move forward with developing the City owned large green space lot in the Jackson Park Third Subdivision. Mayor Michels and Skrivseth recently met with Jackson and Jeanne Weber to discuss a conceptual drawing of the Park.

The drawing was conceptual and showed a sidewalk trail on the two easements into the park and connectivity to Rivervue Trail, a playground piece, swings, benches, pavilion, trees, green space, drinking fountain and a stone entrance for the park name. Medinger suggested having pathway lighting. The Council also discussed seeking volunteers to help install some of the proposed items. The final plan for the park will be determined after all estimates are received for the various items.

Jackson provided a written commitment to donate funding to the City for the development of the park. Jackson requested the City name the park “JJ’s Memorial Park” in memory of his wife Janice Jackson.

Kueter moved with a second by Scheckel to approve moving forward with the park development and to approve Jackson’s request for the naming rights to be JJ’s Memorial Park. Motion carried unanimously.

Mayor Michels thanked Jackson on behalf of the City for Jackson’s financial support in the development of the park. The next step will be to start getting quotes for the various proposed items. The City will keep Jackson updated on the process as the development of the park moves forward.

APPROVE PROMOTION OF KENT CLASEN TO ZONING OFFICER

Brent Roling requested stepping down as Zoning Officer as of June 30, 2023. Skrivseth indicated that Fire Chief Kent Clasen began working more closely with Roling in the building permit approval process due to the City Code and the Fire District. The Downtown Incentive Program has also led to Clasen needing to be part of the approval process as many of the buildings are in the Fire District. Clasen also understands the Zoning Code and essentially the formality of the City.

Kueter moved with second by Tom Roth to approve the resignation of Brent Roling effective June 30, 2023 and then the promotion of Kent Clasen as Zoning Officer at a rate of \$13.16 and up to 10 hours per week effective July 1, 2023. Motion carried unanimously.

RECEIPTS AND DISBURSEMENTS

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

FUNDS	RECEIPTS	DISBURSED
GENERAL:		
Basic General Fund	175,513.92	170,629.23
Franchise-Prop Tx	2,052.02	
Franchise Streets	2,052.03	
Police Gift Fund	22,977.00	
Lib Gift Fund	100.00	
Reserve Accounts	10,800.00	
L.O.T. Prop Tax Red	18,138.85	
SPECIAL REVENUE:		
L.O.T. Street Dept	18,288.84	4,729.25
Fire Dept Cap Fund	9,231.00	
Employee Benefit	13,114.84	
Road Use Tax	29,330.00	11,577.28
TIF Fund	14,298.73	295,329.33
Debt Service	325,490.75	407,442.07

**CAPITAL PROJECTS:
PROPRIETARY
FUNDS:**

Ambulance	28,480.43	13,313.64
Telecommunication	137,577.61	101,275.60
Sanitation	40,220.58	46,434.27
Water	37,752.24	22,076.23
Electric	216,024.83	178,376.18
Electric Cap Fund	2,159.48	
Customer Deposit	739.00	1,109.00
Storm Water Fund	6,117.16	67,326.73
Sewer	37,272.13	30,145.73
Sewer Cap. Improvement	6,014.44	
TOTALS	1,153,745.88	1,349,764.54

LIBRARY BILLS AND CLAIMS

Business	Memo	Amount
Access Systems	Copier Exp	197.53
Baker & Taylor	Oper Supp	435.29
Kueter True Value	Oper Supp	14.72
Petty Cash	Oper Supp	22.60
Swank Movie License	Periodicals	119.00
Weber	Oper Supp	49.21
Windstream	Telephone	11.85

ADJOURNMENT

As there were no other matters on the agenda for discussion, Mayor Roger Michels adjourned the meeting at 7:09 P.M.

City Administrator/Clerk

Mayor