

April 8, 2019
Regular Session

The Bellevue City Council met in Regular Session at 6:30 P.M. Monday, April 8, 2019 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 Kyle Clausen, Jayson Heiar, Lyn Medinger and Tim Roth. Also present were City Administrator/Clerk Abbey Skrivseth, Police Officer Ryan Kloft, Nicolas Hockenberry, Nathaniel Kapraun and Laura McCool.

ABSENT: Councilmember Tammy Michels.

APPROVAL OF AGENDA:

Mayor Roger Michels reviewed the Agenda and declared it approved

CONSENT AGENDA

Heiar moved with a second by Clausen to approve the Consent Agenda. Motion carried unanimously.

- A. Approve March 18, 2019 Regular Session
- B. Approve March 2019 Financial Reports
- C. Approve Library Bills and Claims
- D. Approve Renewal of Class C Liquor License (LC)(Commercial) with Class B Native Wine Permit with Living Quarters, Outdoor Service and Sunday Sales for Lock 12 Music Effective May 16, 2019
- E. Approve Renewal of Class C Liquor License with Outdoor Sales and Sunday Sales Privileges for Second Street Station Effective May 24, 2019
- F. Approve Renewal of WBN Native Wine Permit for the Bellevue Area Chamber of Commerce Effective June 5, 2019

NICOLAS HOCKENBERRY – HSB165

JCEA Director Nicolas Hockenberry verbally updated the Council on the House Study Bill 165 that is proposing a 2% property tax increase limitation, eliminating Trust and Agency Levy and capping unassigned ending fund balance at 25% for cities and counties.

COMMUNITY CENTER BASEMENT RENTAL

The Council had a detailed discussion regarding the basement rental of the Community Center to non-profit groups and groups that benefit citizens. Medinger moved with a second by Roth to approve Genesis VNA and Hospice's letter of recommendation to waive their rental fee unless the basement is not cleaned properly and to let Boy Scouts continue to use the basement rent free per Dennis Walgamuth's letter as these were the only two groups that sent the Council a letter. The Council then agreed that any other groups interested in continuing to have the basement rental fee waived should submit a letter or come before the Council with their request. Motion Carried unanimously.

TRAIL PAVERS IN RIVERVIEW PARK

Skrivseth initiated this discussion pointing out concerns over Riverview Parks trail pavers. It was acknowledged that the pavers continue to require annual maintenance along with unevenness. The Council agreed with Laura McCool's question on whether citizens would be upset as the pavers are attractive and unique to Bellevue. The Council agreed to get a quote to replace the pavers with the colored cement that is in front of the Freedom Rock and then consider looking at replacing sections as budgets allow and to seek input from citizens on the replacement of the pavers.

UPDATED CITY CODE OF ORDINANCES

Skrivseth added this to the agenda to make the Council aware that their review is needed. The Council will look to set a public hearing for the update at the next Council meeting.

RESOLUTION NO. 17-19 KEEP IOWA BEAUTIFUL PROCLAMATION

Clausen moved with a second by Medinger to approved Resolution No. 17-19. Roll call vote carried unanimously.



RESOLUTION NO. 17-19

PROCLAMATION

WHEREAS, Iowa's communities and countryside provide the basis for making this a special and unique place to live

WHEREAS, caring residents and citizens desire to build the pride and respect toward our communities natural lands and the environment, knowing that these are essential to the cultural and economic health and vitality of the state where we live; and

WHEREAS, visitors to Iowa will respect and admire the communities and countryside that make us special; and

WHEREAS, Iowa's towns and cities and their leaders recognize the importance of maintaining clean and attractive areas; and

WHEREAS, Keep Iowa Beautiful, a state affiliate of Keep America Beautiful, works to build partnerships with government organizations, private companies, communities, counties and volunteer/service groups statewide to conduct litter prevention, recycling, beautification, community and landscape enhancement, increased volunteerism and waste minimization programs and projects; and

WHEREAS, for more than 19 years, Keep Iowa Beautiful, its Board of Trustees and Sponsors, have combined leadership, creativity, insight and expertise that continues to enhance the beauty and cleanliness of Iowa;

NOW, THEREFORE, I, Roger Michels, Mayor of City of Bellevue will encourage our City

Council, city staff, teachers and all our citizens, young and old, to undertake personal and organization efforts that will enhance the cleanliness, health and beauty in our community and state. I do hereby proclaim

APRIL 2019
KEEP IOWA BEAUTIFUL MONTH

IN TESTIMONY WHEREOF, I have here unto subscribed my name on this 8th day of April in the year of our Lord, two thousand and nineteen.

Roger Michels
Mayor of City of Bellevue

Attest:
City Administrator/Clerk

RESOLUTION NO. 18-19 ESTABLISHING ECONOMIC DEVELOPMENT FUNDS
Heiar moved with a second by Clausen to approved Resolution No. 18-19. Roll call vote carried unanimously.

RESOLUTION NO. 18-19
A Resolution Establishing Economic Development Funds

WHEREAS, the City of Bellevue has approved two economic development projects, and

WHEREAS, the City of Bellevue desires to establish such projects for Downtown Renovation Incentives and to purchase the Stamp Property, and

WHEREAS, the City of Bellevue desires to provide for the proper accounting for the two projects.

THEREFORE BE IT RESOLVED that the Economic Development Funds for Downtown Renovation Incentives & the Stamp Property are hereby established by the Bellevue City Council, as sub funds under the General Fund.

Passed and approved this 8th day of April, 2019.

Abbey Skrivseth, City Administrator/Clerk

Roger Michels, Mayor

RESOLUTION NO. 19-19 SETTING A PUBLIC HEARING DATE CONCERNING APPLICATION FOR RE-ZONING FILED BY BERNARD MEDINGER TRUST AND DONNA MEDINGER TRUST

Heiar moved with a second by Clausen to approved Resolution No. 19-19. Roll call vote carried unanimously.

RESOLUTION NO. 19-19

RESOLUTION SETTING A PUBLIC HEARING DATE CONCERNING APPLICATION FOR RE-ZONING FILED BY BERNARD MEDINGER TRUST AND DONNA MEDINGER TRUST

WHEREAS, Bernard Medinger Trust and Donna Medinger Trust have filed an application to re-zone the following described real estate from A-1 Agricultural to R-2 Mixed Residential:

Commencing at a point on the Easterly line of State Highway 52 due East of a point which is 1,024.25 feet North 22 1-2 degrees West of a point 120 feet due East of the North West Corner of Lot Eighty-Two (82) in the Town of Bellevue, Jackson County, Iowa; said commencing pint being where the easterly Line of said Highway intersects the South Line of the Henry Klein Lot; thence running due East to the Mississippi River at low water mark; thence Southerly along the meander line of said River 525.12 feet more or less to the North Line of said land to the Easterly Line of Highway 52; thence Northerly along the Easterly Line of said Highway to the place of beginning. All being a part the New Addition to the Town of Bellevue, Iowa, according to the Plat recorded in Book Two (2) of Incorporation, pages 16, 17, and 18 and being also part of Lot Three (3) in Section Seven (7), Township Eighty-Six (86) North, Range Five (5) East of the Fifth (5th) Principal Meridian. Said last described premises also described as being all that part of the Premises described in Deed to Joseph A. Young, recorded in Book Y, Pages 640, 641 and lying East of the Easterly Line of Highway 52.

WHEREAS, the Bellevue City Council is required to hold a public hearing on this application.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Bellevue, Iowa, that a public hearing shall be held concerning the application for re-zoning filed by Bernard Medinger Trust and Donna Medinger Trust on Monday, April 22, 2019 at 6:30 o'clock p.m. at City Hall in Bellevue, Iowa.

IT IS FURTHER RESOLVED that the City Clerk shall publish a notice of the public hearing not less than seven days nor more than twenty days prior to the date set for the public hearing.

Passed and approved this 8th day of April, 2019.

Roger Michels

ROGER MICHELS, Mayor

Attest:

Abbey Skrivseth

ABBEY SKRIVSETH, City Administrator

RESOLUTION NO. 20-19 ADOPTING GUIDELINES FOR SMALL CELL FACILITIES

Clausen moved with a second by Medinger to approved Resolution No. 20-19. Roll call vote carried unanimously.

RESOLUTION NO. 20-19

RESOLUTION ADOPTING GUIDELINES FOR SMALL CELL FACILITIES

WHEREAS, the Federal Communications Commission (“FCC”) has adopted a declaratory ruling and order (“Order”) that imposes new and significant limitations on the City’s ability to regulate small cell facilities within its rights-of-way and upon its infrastructure, including but limited to limitations on fees, and the institution of deadlines for acting on permit applications; and

WHEREAS, the Order permits municipalities to establish guidelines governing the aesthetics, undergrounding, and spacing of small cell facilities to be installed within its rights-of-way; and

WHEREAS, the Order is effective April 15, 2019; and

WHEREAS, there is attached to this Resolution proposed Small Cell Guidelines for the City of Bellevue, Iowa, which as amended from time to time, will apply to all applications to install small cell facilities within the City’s rights-of-way and upon its infrastructure; and

WHEREAS, preserving as much local authority as is permitted by state and federal law over the installation of small cell facilities in the City’s rights-of-way and upon its infrastructure is critical to effective right-of-way management.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BELLEVUE, IOWA, AS FOLLOWS:

SECTION 1: *Adoption of Small Cell Guidelines:* The City Council approves and adopts the Small Cell Guidelines attached to this Resolution.

SECTION 2: *Publication:* The City Clerk is hereby directed to publish the Small Cell Guidelines by posting the same to the City’s website, or by other means, at the earliest possible opportunity.

SECTION 3: *When Effective.* This Resolution shall be effective upon its passage and approval as provided by law.

PASSED AND APPROVED this 8th day of April 2019.

CITY OF BELLEVUE, IOWA

Roger Michels

By: Roger Michels, Mayor

ATTEST:

Abbey Skrivseth

Abbey Skrivseth, City Clerk/Administrator

CERTIFICATION

I, Abbey Skrivseth, City Clerk/Administrator of the City of Bellevue, Iowa, do hereby certify the above is a true and accurate copy of Resolution 20-19 which was passed by the Bellevue City Council this 8th day of April 2019.

Abbey Skrivseth, City Clerk/Administrator

RIVERVIEW PARK SIGNBOARDS

Mayor Michels requested this topic be on the agenda per recent complaints regarding signboards being placed on Riverview Park. Mayor Michels asked Skrivseth to provide details on the complaint that she received. Nathaniel Kapraun was present to clarify his complaint. Kapraun said he did not have an issue with what the sign said but his concern was that the sign having the same image as a campaign sign. He pointed out that campaign signs cannot be on public property and asked if there was an application process for placing signs on Riverview Park. Mayor Michels said he did not see a problem with the sign under controversy as it did not say how to vote and the sign was put up on behalf of the school and not a campaign group. He said one option could be for the Council to not allow any signs on Riverview Park. Roth said he cannot see justifying City staff's time and charging a fee for an application process for the various annual community fundraisers' signs. He does not want to ban all signs and he does not want to involve attorneys for their opinions. He believes common sense should be the ultimate factor. Skrivseth clarified by asking if the sign under controversy had been a different image or if any sign was put up that said 'vote today,' would be okay to be placed on public property. Kapraun said yes. The Council was then in agreement to continue to allow signs on Riverview Park.

RECEIPTS AND DISBURSEMENTS

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

	RECEIPTS	DISBURSED
GENERAL:		
Basic General Fund	76323.88	197,254.04
P.I.L.O.T	2500.00	
Library	1255.00	
Museum	16839.91	1,874.53
L.O.T. Prop Tax Red.	7295.00	
Franchise-Prop Tx	4149.61	

Franchise-Streets	4149.61	
R.R. Crossing Funds	101087.99	2,369.20
CAPITAL PROJECTS		
Park Improvement Proj.	5.81	460.00
SPECIAL REVENUE		
Ambulance Cap Fund	1000.00	
Streets Cap Fund		2,994.78
L.O.T. Street Dept	7295.00	6,348.64
Employee Benefits	10138.23	
Road Use Tax	19295.72	28,412.47
TIF Fund	11087.29	
Debt Service	11515.41	
PROPRIETARY FUNDS:		
Ambulance	6749.71	10,376.83
Telecommunication	124880.69	113,974.05
Sanitation	40470.33	41,559.82
Water	533108.46	235,457.02
Electric	245346.70	225,791.14
Electric Cap. Improvement	204.94	300,000.00
Customer Deposit		830.00
Storm Water Fund	6349.28	4,685.75
Sewer	38261.77	49,580.91
Sewer Cap. Improvement	10358.41	
TOTAL	1,279,668.75	1,221,969.18

LIBRARY BILLS AND CLAIMS

The following Bills and Claims were paid as authorized in March:

Business	Memo	Amount
Baker & Taylor	Library Books	329.39
Marian Meyer	Reimb Books & Operat Supplies	34.75
Midwest Business	Copier Exp	57.09
Petty Cash	Misc/Postage	40.13
Weber Paper Company	Operating Supplies	64.45
Windstream	Telephone Exp	11.04

ADJOURNMENT

Seeing there were no other matters on the agenda for discussion, Mayor Michels adjourned the meeting at 7:17 PM.

City Administrator/Clerk

Mayor

