

February 6, 2023  
Regular Session

The Bellevue City Council met on Monday, February 6, 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, Tom Roth and Jayden Scheckel. Also present were City Administrator/Clerk Abbey Skrivseth, Police Chief Dennis Schroeder, Assistant Police Chief Ryan Kloft, Kelley Brown (zoom) and Jo Fifield.

**ABSENT:** Councilmember Tim Roth.

**APPROVAL OF AGENDA:**

Mayor Roger Michels reviewed the Agenda and declared it approved.

**CONSENT AGENDA**

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

- A. Approve Minutes of January 23, 2023 Work Session and Regular Session
- B. Approve January Financials
- C. Approve New Special Class C Retail Alcohol License with Outdoor Service and Sunday Sales for Textile Brewery, LLC DBA River Ridge Brewing Effective Immediately (IA ABD Regulations)
- D. Approve Renewal Class C Retail Alcohol License with Outdoor Service and Sunday Sales for Off Shore Bar and Grill/The Shore Event Center Effective March 15, 2023

**VISITOR**

**POLICE DEPARTMENT DISCUSSIONS: TRAIN SPEED DISCUSSION, GOLF CARTS AND AUTOMATIC TRAFFIC ENFORCEMENT**

Police Chief Dennis Schroeder and Assistant Chief Ryan Kloft were present to discuss three items with the Council.

First, per Mayor Michels request, the police department did a speed study on the trains coming through town. Per city ordinance, trains may go 20 mph through town. Thirty-two trains were radared between January 10th and 25th. The average speed was 18 mph, the lowest speed was 13 mph and there was one train over the 20 mph at 22 mph.

Second, discussion was had on usage of golf carts. The summer of 2022 was the first year that golf carts were allowed on all city streets and six permits were issued. Chief Schroeder had some people from Off Shore and the Spruce Creek area ask if they could bring their golf cart into town on the bike/walking trail. The police department wanted to bring this question to the Council. Currently ATV's can ride on State Highway 52 into town but golf carts cannot and golf carts

cannot ride on the shoulder of the highway/right-of-way. The Council was in consensus to continue to not allow any golf carts on city trails due to safety concerns for pedestrians using the trail.

Lastly, discussion was had over the proposed speed cameras. Chief Schroeder, Assistant Chief Kloft, Skrivseth and the City Attorney have all reviewed the agreement and proposed ordinance. Discussion was had as a reminder to everyone on how the proposal for speed cameras came about. A year ago, during the discussion on the joint pool agreement with Off Shore, many citizens expressed their concern for the safety of the biking/walking trail due to the proximity of highway 52 and the speed of vehicles on the state highway. The Council had concerns for the visibility of the bridge to the south of 395<sup>th</sup> Avenue and the increase in traffic and larger vehicles that would be using the turnoff due to Off Shore's increased attractions and amenities.

The City then voiced their concerns with the Iowa Department of Transportation who regulates the speed limit on highway 52; concerns were also added for the increase in traffic due to the expansion of businesses along the highway too. In the summer of 2022 the DOT did a traffic speed study and determined that average speed was roughly 62 mph, which indicates the speed should be increased and not decreased. The City Engineer and DOT said the City could consider constructing a roundabout or turning lanes at the City's expense. The City proposed that a reduction in speed from 55 mph to 45 mph would be the most cost-effective solution that would help solve the safety concern versus an expensive project. The DOT informed the City that in order to consider reducing the speed limit, the City would need to get vehicles back down to the legal limit of 55 mph.

Lastly, discussion was had on the income from the speed cameras going to a public safety fund that could be used for security cameras, streets, police, fire, EMS or anything related to public safety. The Council wanted to point out that the speed cameras were not being used as a revenue generator for the City.

Two cameras would be setup, one on the north end of Highway 52 near the entrance for Bellevue Sand and Gravel and a second on the bridge south of Bormanns Neighborhood Pitstop. Sensys would setup the proper notification signage along the highway to advise motorists of the cameras. The City would have a designated Police Officer review each citation that Sensys gathered from their cameras; the City would then approve the speeding ticket violation as outlined in the proposed ordinance.

#### **APPROVE MASTER SERVICE AGREEMENT WITH SENSYS GATSO USA, INC**

Roth moved with a second by Medinger to approve the Master Service Agreement with Sensys Gatso USA, Inc. Motion carried unanimously.

#### **INTRODUCTION, CONSIDERATION AND APPROVAL OF THE FIRST READING OF ORDINANCE NO. 476 AMENDING TITLE III COMMUNITY PROTECTION, CHAPTER 3 TRAFFIC CODE BY ESTABLISHING DEFINITIONS AND A SCHEDULE OF FINES FOR VIOLATIONS DETECTED BY AN AUTOMATED TRAFFIC ENFORCEMENT SYSTEM**

Roth moved with a second by Kueter to introduce and approve the first reading of Ordinance No. 476. Roll call vote carried unanimously.

**CONSIDERATION AND APPROVAL AND PASSAGE INTO LAW UPON PUBLICATION OF THE THIRD READING OF ORDINANCE NO. 474 AMENDING RATES AND FEES FOR THE TELECOMMUNICATION SERVICES OF THE BELLEVUE MUNICIPAL CABLE/ BROADBAND**

Roth moved with a second by Scheckel to approve the third reading of Ordinance No. 474 and for the ordinance to be passed and put in its final consideration and adoption upon publication. Roll call vote carried unanimously.

**ORDINANCE NO. 474**

**AN ORDINANCE AMENDING RATES AND FEES FOR THE TELECOMMUNICATION SERVICES OF THE BELLEVUE MUNICIPAL CABLE/BROADBAND**

**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 the current rate and fee structure for telecommunication services to be paid by customers of Bellevue Municipal Cable/Broadband.

**Section 2. Amendment.** Title VI Physical Environment, Chapter 6A Utilities–Billing Charges, Section 6-6A-20 Cable Franchise-Rates and Fees of the City of Bellevue Code of Ordinances is hereby amended; The following rates and fee structure are hereby established for telecommunications services:

**6-6A-20 CABLE FRANCHISE – RATES AND FEES**

**DIGITAL TELEVISION**

Lifeline Basic Rate:	\$45.00 per month
Basic Rate:	\$106.00 per month
Enhanced Basic Rate:	\$114.00 per month

**Section 5. Repealer.** All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

**Section 6. 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 7. Effective Date.** This Ordinance shall be in effect after its final passage, approval and publication as provided by law.

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

Attest:

Abbey Skrivseth, City Administrator/Clerk

**FYE 2024 BUDGET – STATE ERROR**

Skrivseth updated the Council on the state error in calculating the property tax rollback causing all tax governing bodies to receive a larger tax valuation number for the proposed FYE 2024 budget. The senate passed SSB1056 and now SF181 is at the House for approval. If approved, the state would correct their mistake and advise counties to send out new valuations that would be lower than the valuations that were already calculated. The concern is that many governing bodies have their FYE 2024 budget completed and are starting the public hearing process. Skrivseth indicated that she has the City budget completed with the proposal to approve setting the date for the first of two required public hearings. Skrivseth said the Iowa Department of Management is still advising cities to continue forward with their budget process. There is also discussion on the state backfilling the error to all cities for FYE 2024.

Roth expressed his frustration with the state in making empty promises with rollbacks. Ultimately the rollback changed commercial and mixed residential properties to pay less in taxes; resulting in residential properties having to make up some of the shortfall in taxes that governing bodies need for their tax revenue. Discussion was had on the concern for the state legislators pushing a reduction in property taxes and blaming the cities. Concern was also had on when the time will come when cities will have to make tough decision that are tax payer funded such as library, fire, EMS, police, parks, roads, employees, etc.

Skrivseth should know more at the next Council meeting.

**RESOLUTION NO. 03-23 SETTING DATE FOR A PUBLIC HEARING FOR THE CITY OF BELLEVUE RELATING TO THE TOTAL MAXIMUM PROPERTY TAX DOLLARS FOR THE FY 2024**

Kueter moved with a second by Roth to approve Resolution No. 03-23. Roll call vote carried unanimously.

**RESOLUTION NO. 03-23**

**A Resolution Setting Date for a Public Hearing for the City of Bellevue Relating to the Total Maximum Property Tax Dollars for FY 2024**

WHEREAS, the City of Bellevue, in Jackson County, State of Iowa have considered the Proposed FY 2024 city maximum property tax dollars for the affected levy,

NOW THEREFORE BE IT RESOLVED that a public hearing thereon will be held in the Council Chambers and via Zoom on the 22<sup>nd</sup> of February 2023, at 6:30 p.m., at which time and

place the Council will consider the maximum property tax dollars for the affected tax levies for FY 2024.

BE IT FURTHER RESOLVED that the Clerk be authorized and directed to cause to be published notice of such hearing in the manner specified in state law.

Passed and approved this 6<sup>th</sup> day February 2023.

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Roger L. Michels, Mayor

ATTEST:

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Abbey J. Skrivseth, City Administrator/Clerk

**RESOLUTION NO. 04-23 ESTABLISHING PROJECTS FOR THE RCTP APPLICATION**

Skrivseth and Public Works Superintendent Nick Kilburg is working on the application for the 2024 RCTP grant. Roth moved with a second by Medinger to approve Resolution No. 04-23. Roll call vote carried unanimously.

**RESOLUTION NO. 04-23  
ESTABLISHING PROJECTS FOR RCTP APPLICATION**

**RESOLUTION PROVIDING A LIST OF TRANSPORTATION PRIORITIES WITHIN THE CITY OF BELLEVUE FOR FISCAL YEAR 2024 TO 2026 THAT ARE ELIGIBLE FOR RURAL COUNTY TRANSPORTATION PROGRAM (RCTP) FUNDING**

WHEREAS The Rural County Transportation Program (RCTP) is designed to help small cities implement non-federal aid transportation projects. Jackson County awards RCTP funds to cities annually through a competitive application process; and

WHEREAS the City developed a list of priorities for Fiscal Year 2024, 2025 and 2026 that need to be addressed to provide a safe and efficient transportation system and

WHEREAS the City will be requesting RCTP funds to address these improvements; and

**NOW THEREFORE, BE IT RESOLVED**

That the City agrees to plan for and seek RCTP funding for projects listed below for Fiscal Year 2024, 2025 and 2026:

NAME	LOCATION	IMPROVEMENT	REASON FOR IMPROVEMENT
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ADA Sidewalk Corners	Park Street & North 6 <sup>th</sup> Street	Four ADA corners at intersection.	Update four ADA sidewalk corners. Next to Cole Park and Marquette Catholic Schools.
Asphalt Overlay	North 7 <sup>th</sup> Street from Park Street to Spring Street	Two blocks: mill next to curb line & headers; add 2.5" of asphalt; ~1,867 s.y.	Remove old and pour new asphalt on deteriorating street. The two blocks are located along the west side of Cole Park.
Asphalt Overlay	North 6 <sup>th</sup> Street from State Street to Park Street.	Two blocks: mill next to curb line & headers; add 2" of asphalt; ~2,032 s.y.	Remove old and pour new asphalt on deteriorating street. Two blocks located next to funeral home and busy road to Cole Park, Marquette Catholic, & St Joseph's Church; parade route.
Asphalt Overlay	North 5 <sup>th</sup> Street from State Street to Market Street.	One block: mill next to curb line & headers; add 2" of asphalt; ~810 s.y.	Remove old and pour new asphalt on deteriorating street. One block located by residential housing and one block from Marquette Catholic Schools.
Asphalt Overlay	South 6 <sup>th</sup> Street from Court Street to Jefferson Street.	One block: mill next to curb line & headers; add 2" of asphalt; ~982 s.y.	Remove old and pour new asphalt on deteriorating street. One block located on route to St. Joseph's Catholic cemetery.

BY THE CITY COUNCIL OF THE CITY OF BELLEVUE, IOWA, THAT:

THE CITY HEREBY SUPPORTS AND AUTHORIZES THE PROJECT PRIORITIES FOR ELIGIBLE FUNDING THROUGH THE RCTP FY 2024, 2025 & 2026.

Passed, approved and adopted this 6th day of February, 2023.

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Roger L. Michels  
Mayor

ATTEST:

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Abbey J. Skrivseth  
City Administrator/Clerk

**RESOLUTION NO. 05-23 AUTHORIZATION FOR FILING FYE 2024 RCTP APPLICATION**

Kueter moved with a second by Scheckel to approve Resolution No. 05-23. Roll call vote carried unanimously.

**RESOLUTION NO. 05-23  
AUTHORIZATION FOR FILING FYE 2024 RCTP GRANT APPLICATION**

**RESOLUTION AUTHORIZING THE FILING OF A RURAL COUNTY TRANSPORTATION PROGRAM (RCTP) GRANT APPLICATION WITH THE JACKSON COUNTY TO ASSIST WITH THE FUNDING FOR FYE 2024 IMPROVEMENTS IN THE CITY OF BELLEVUE**

WHEREAS the City recognized the need to improve the infrastructure for the ‘FYE 2024 Improvements’ project consisting of four ADA sidewalk ramps/corners and road asphalt overlay; and

WHEREAS the City is requesting Jackson County RCTP funding in the amount of \$25,000 in Fiscal Year 2024 to assist with the improvements; and

WHEREAS as the City will be responsible for maintenance of the project for project life time; and

WHEREAS the City has sufficient funds available to cover the local funding in the amount of \$119,012.30, roughly 83.6% of the project cost.

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

THE CITY HEREBY SUPPORTS AND AUTHORIZES THE GRANT APPLICATION SUBMITTAL FOR FUNDING THROUGH THE RCTP FYE 2024 TO ASSIST WITH THE FUNDING OF THE FYE 2024 IMPROVEMENTS PROJECT.

Passed, approved and adopted this 6<sup>th</sup> day of February, 2023.

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Roger Michels  
Mayor

ATTEST:

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Abbey J. Skrivseth  
City Administrator/Clerk

### **STAMP PROPERTY ANNEXATION AND USDA GRANT UNDERWRITING UPDATES**

Skrivseth indicated that ECIA confirmed that in order for the City to apply for the 75% grant to extend water and sanitary sewer the Stamp property must be annexed in, which means both cemeteries and proposed properties along the way must be annexed into the City. The 75% grant is on a first come first serve basis so it is unknown how long the grant will be available making time of the essence.

Skrivseth said that she, Councilmembers Tim Roth and Scheckel along with Utility Board Members Barry Nudd and Lucy Zeimet were present for St. John's Lutheran Church's congregation meeting. Skrivseth provided information and answered questions. The congregation present seemed to be okay with the annexation and in support for Bellevue to grow. The Church's Council will officially vote on the volunteer annexation at their upcoming meeting.

Skrivseth then said the First Presbyterian Church's attorney dropped off a letter with an addendum that would require: at the City's expense, to pay for a survey of the cemetery, for the City to never assess the cemetery for any future improvements (roadway, sidewalk and utility), for the church to be exempt from building permits or any other fees for improvements to the property and not be subject to any City ordinances for the maintenance of the property (trees, dirt, zoning, etc) and for the City to reimburse the church for all costs that the church has or will occur with the annexation (including attorney fees).

The Council discussed that the City could not have an addendum for one cemetery and not the other, it would not be fair. It was also mentioned that the City already has a cemetery (St Joseph's Catholic Cemetery) in the city limits and this cemetery must abide by all city code rules. Having this addendum in place for the future does not seem right as the future can be unknown. The Council advised Skrivseth to send a follow-up to the First Presbyterian Church via a letter and to also stress the importance of their voluntary annexation.

### **WATER SERVICE LINE SURVEY FORM – REMINDER THAT ALL PROPERTIES MUST COMPLETE THE SURVEY**

All were reminded of the water service line survey that all properties in town must complete. The Iowa Department of Natural Resources is requiring this survey state wide. If surveys are not received, then individual phone calls and continued letters will be sent out to properties.

### **RECEIPTS AND DISBURSEMENTS**

The following amounts were received or expended in the month of January



<b>FUNDS</b>	<b>RECEIPTS</b>	<b>DISBURSED</b>
<b>GENERAL:</b>		
Basic General Fund	53,928.37	149,603.71
D.A.R.E.		100.00
Franchise-Prop Tx	5,459.37	
Franchise Streets	5,459.36	
Lib Gift Fund	68.24	127.32
L.O.T. Prop Tax Red	11,046.44	
Police Gift Fund		51.84
<b>SPECIAL REVENUE:</b>		
L.O.T. Street Dept	11,046.44	4,729.25
Amer Res Plan Act		1,202.24
Employee Benefit	2,908.62	
Road Use Tax	23,403.37	16,423.84
Fire Dept Cap Fund	3,150.00	
Amb Cap Fund	10,000.00	
TIF Fund	269.53	
Debt Service	5,217.92	33,937.50
<b>CAPITAL PROJECTS:</b>		
<b>PROPRIETARY FUNDS:</b>		
Ambulance	24,492.17	5,011.43
Telecommunication	132,693.66	114,578.91
Sanitation	39,854.68	38,728.30
Water	36,097.81	15,686.84
Electric	217,724.63	198,573.00
Electric Cap Fund	1,934.54	
Customer Deposit	260.50	
Storm Water Fund	6,192.66	328.12
Sewer	37,364.96	29,142.61
Sewer Cap. Improvement	5,808.10	
<b>TOTALS</b>	<b>634,381.37</b>	<b>608,224.91</b>

#### **ADJOURNMENT**

As there were no other matters on the agenda for discussion, Mayor Roger Michels adjourned the meeting at 7:27 P.M.

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City Administrator/Clerk

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Mayor