

May 1, 2017
Regular Session

The Bellevue City Council met on Monday, May 1, 2017 in a Regular Session at 6:30 P.M. in the Council Chambers with Mayor Christopher J. Roling presiding. The Pledge of Allegiance was recited by all present. The roll was called as follows:

PRESENT: Councilmembers Allen Ernst, Gary Feuerbach, Darla Lawson and Tim Roth. Also present were City Administrator Loras Herrig, City Clerk Abbey Skrivseth, Police Officer Josh Kilburg and Bellevue EMS President Lyn Medinger.

ABSENT: Councilmember Jayson Heiar

APPROVAL OF AGENDA

Mayor Roling reviewed the Agenda and declared it approved.

CONSENT AGENDA

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

- A. Approve April 17, 2017 Regular Session, April 21, 2017 Special Session and April 26, 2017 Work Session
- B. Approve April Library Bills and Claims
- C. Approve Renewal of Class C Liquor License with Outdoor Sales and Sunday Service Privileges for 2nd Street Station Effective May 24, 2017
- D. Approve Renewal of Class C Liquor License with Sunday Sales and Outdoor Service Privileges for The Bronco Club Effective June 1, 2017
- E. Approve New Class C Liquor License with Class B Native Wine Permit with Living Quarters, Outdoor Service and Sunday Sales for Lock 12 Music Effective May 16, 2017
- F. Approve Renewal of Class C Beer Permit with Sunday Sales for The Car Wash Effective July 1, 2017

LYN MEDINGER – BELLEVUE EMS REQUEST

Bellevue EMS President Lyn Medinger asked the Council for approval to move forward to purchase a Lucas Chest Compression System for roughly \$11,500. In July, he will apply for a grant to receive a second system free of charge. City Administrator Loras Herrig indicated the Ambulance Department has enough funds to cover the expense. Lawson moved with a second by Feuerbach to approve the Lucas Chest Compression System purchase. Motion carried unanimously.

ORDINANCE NO. 421

AMENDING TITLE III COMMUNITY PROTECTION, CHAPTER 3 TRAFFIC CODE, SECTION 3-3-19(9) PARKING REGULATIONS-TRUCK PARKING PROHIBITED, OF THE CITY OF BELLEVUE CODE OF ORDINANCES (2014) TO RESTRICTED PARKING OF VARIOUS TYPES OF MOTOR VEHICLES

Feuerbach moved with a second by Ernst to approve the third reading and pass into law upon publication of Ordinance 421. Roll call vote carried unanimously.

ORDINANCE NO. 421

AN ORDINANCE AMENDING TITLE III COMMUNITY PROTECTION, CHAPTER 3 TRAFFIC CODE, SECTION 3-3-19(9) PARKING REGULATIONS – TRUCK PARKING PROHIBITED, OF THE CITY OF BELLEVUE CODE OF ORDINANCES (2014) TO RESTRICT PARKING OF VARIOUS TYPES OF MOTOR VEHICLES

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

Section 1. The purpose of this Ordinance is to restrict the parking of large trucks, recreational vehicles and watercraft on the public streets and public alleyways within the corporate city limits of the City of Bellevue, Iowa.

Section 2. Title III Community Protection, Chapter 3 Traffic Code, Section 3-3-19(9) is hereby repealed in its entirety.

Section 3. Title III Community Protection, Chapter 3 Traffic Code, Section 3-3-19(9) of the City of Bellevue Code of Ordinances is hereby enacted as follows:

TITLE III COMMUNITY PROTECTION, CHAPTER 3 TRAFFIC CODE, SECTION 3 - 3-19(9) TRUCK, RECREATIONAL VEHICLE AND WATERCRAFT PARKING RESTRICTED:

9. Truck, Trailer and Recreational Vehicle Parking Restricted.

A. Definitions of Recreational Vehicle and Watercraft

1. Recreational Vehicle: The general term for a vehicular unit not exceeding 36 feet in overall length, 8 feet in width, and 12 feet in overall height, which term shall apply to the following specific vehicle types:
 - a. Camper Trailer. A folding or collapsible vehicular structure without its own power, designed as a temporary living quarters for travel, camping, recreation, and vacation usage, which is licensed and registered for highway use.
 - b. Travel Trailer. A rigid structure with a width of not more than 8 feet, without its own motive power, designed as a temporary living quarters for travel, camping, recreation, and vacation usage, which is licensed and registered for highway use.
 - c. Truck Camper. A portable structure, without its own motive power, designed to be transported on a power vehicle as a temporary living quarters for travel, camping, recreation, and vacation usage, which in

combination with the carrying power vehicle is licensed and registered for highway use.

- d. Motor Home. A vehicular unit built on or as part of a self-propelled motor vehicle chassis, primarily designed to provide temporary living quarters for travel, camping, recreation, and vacation usage, which is licensed and registered for highway use.
 - e. Boat Trailer. A rigid structure, without its own motive power, designed to transport watercraft for recreational usage, which is licensed and registered for highway use.
 - f. Horse Trailer. A rigid structure, without its own motive power, primarily to transport horses, designed to be towed behind another motorized vehicle, which in combination with the towing vehicle is licensed and registered for highway use.
 - g. Utility Trailer/Construction Trailer. A rigid structure, without its own motive power, primarily used to transport personal property, designed to be towed behind another motorized vehicle, which in combination with the towing vehicle is licensed and registered for highway use.
2. Watercraft. A general term applied to all boats, kayaks, canoes, jet skis, and all other vessels, whether impelled by wind, oars or mechanical devices, designed primarily for recreational usage on water. The watercraft when mounted upon a boat trailer and parked shall be considered one unit, exclusive of the towing vehicle.

B. Restrictions on Parking.

- 1. It shall be unlawful to park any truck having a manufacturers' rated capacity of one ton or more, any recreational vehicle and/or any watercraft on any public street or public alleyway within the corporate city limits of the City of Bellevue, Iowa in such a manner as to create a safety hazard.
- 2. It shall be unlawful to park any truck having a manufacturers' rated capacity of one ton or more, any recreational vehicle and/or any watercraft on any public street or public alleyway within the corporate city limits of the City of Bellevue, Iowa in such a manner as to impede or obstruct the two-lane flow of traffic.

Section 4. Repealer. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 5. 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 6. Effective Date. This ordinance shall be in effect after its final passage, approval and publication as provided by law.

Passed and approved this 1st day of May, 2017.

Christopher J. Roling, Mayor

Attest:

Loras Herrig, City Administrator

CERTIFICATION

I, Loras Herrig, City Administrator, do hereby certify that the above is a true and correct copy of Ordinance No. 419 which was passed by the Bellevue City Council on this ____ day of _____, 2017 and published in the Bellevue Herald-Leader on the ____ day of _____, 2017.

Loras Herrig, City Administrator

HOME OCCUPATION REGULATIONS

Herrig recently received a complaint regarding a home occupation. Herrig pointed out that most home occupations are following the City's current ordinance but some are in clear violation. The Council agreed to have a Special Work Session to discuss the current ordinance on Monday, May 22 at 6:00 P.M. Herrig will mail a letter and place an ad in the Herald Leader to invite all home occupation owners in R1 zoning to the meeting.

POLICE CHIEF LYNN SCHWAGER MEMO

Police Chief Lynn Schwager provided a follow-up memo regarding his department's increased speed monitoring along two areas: Mill Creek Road and Second Street. Police Officer Ryan Kloft is also working on an IA DOT grant for a couple solar powered speed warning signs.

RESOLUTION NO. 09-17 REAPPOINTING CITY OFFICIALS FOR 2-YEAR TERM TO END JULY 1, 2019.

Lawson moved with a second by Ernst to approve Resolution No. 09-17. Roll call vote carried unanimously.

ORDINANCE NO. 422

AMENDING TITLE III CHAPTER 3 SECTION 19 PARAGRAPH ADDING UTILITY PARKING

A complaint was received that the Bellevue Municipal Utility workers are parking a few of their personal vehicles along High Street's yellow curb during working hours. The curb was originally painted yellow to eliminate people from parking for sale vehicles for an extended period. The Utility workers have always parked in this location so the ordinance would be nothing new. Councilmember Darla Lawson said the current parking situation is a hazard and questioned if the Utility workers can park someplace else, such as paving a new parking lot where the residential

house was torn down. Mayor Chris Roling pointed out if we are going to start enforcing ordinances then we need to be stricter and not selective.

Feuerbach moved with a second by Roth to introduce, consider and approve the first reading of Ordinance No. 422. Roll call vote carried:

AYES: Feuerbach, Ernst and Roth

NAYS: Lawson

3/1 vote, motion passed.

FIREWORKS LEGISLATION

Iowa's new fireworks state law will go into effect on June 1, 2017. Cities and counties cannot prohibit the sale but they can prohibit the use. The law indicates the State's Fire Marshall controls who can sell fireworks and an individual must be 18 years of age to purchase and possess fireworks. The Council agreed to follow the State Law and if problems arise, then discuss the topic again.

RENTAL PROPERTY INSPECTIONS

City of Maquoketa passed an ordinance where Maquoketa performs rental property inspections outsourced by ECIA. A recent rental property incident triggered a State Fire Marshall inspection, which pointed out many violations to the specific property. Roling said it does not appear that the Fire Marshall is going to do any follow-up from the initial report and he thinks the City would be liable. Most Councilmembers agreed that the property owner should be liable, not the City as the City has not had any involvement. Only a few rental properties would apply to the proposed ordinance. The Council agreed to not involve City Attorney Steve Kahler and to not pursue City inspections.

SIXTH STREET AND PARK STREET STOP SIGN

The concern of not having a four-way stop sign at Sixth Street and Park Street was discussed. This is currently the only corner of Cole Park without a multi-way stop sign. Councilman Tim Roth said he was the only Councilmember to vote in favor of the stop sign the last time this was discussed. Councilmembers agreed to have Herrig draw up an ordinance for the new stop sign given the heavy traffic flow of vehicles and children.

PUBLIC RECOGNITIONS

On her own time, Linda Schleker applied for and received two \$500.00 grants to cover planting costs for Riverview Park.

Living Lands and Water of the Mississippi had 16 volunteers' cleanup Mill Creek behind Clark Boats. They removed six and a half cubic yards of waste, a dozen tires and two and a half tons of metal, all from illegal dumping.

Lastly, Roth wanted to thank all the volunteers that helped with the annual Cole Park cleanup and Fidelity Bank and Trust for providing lunch.

LIBRARY BILLS AND CLAIMS

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

Baker and Taylor	Books	643.15
Benders	Operating Supplies	28.60
Book Page	Periodicals	324.00
Demco	Operating Supplies	197.47
Everyday ASL Productions	Books	50.00
Iowa Communication Net	Telephone	8.60
Lampe True Value	Operating Supplies	11.98
Mackin Educational Resource	Books	126.21
Marian Meyer	Books	117.70
Midwest Business Product	Copier Expense	139.50
Petty Cash	Postage	77.37
The Herald Leader	Operating Supplies	18.00
Windstream	Telephone	10.78

ADJOURNMENT

As there was no further business to come before the Council, Ernst moved with a second by Feuerbach to adjourn at 7:30 P.M. Motion carried unanimously

City Clerk

Mayor