

MAYOR _____ C.A. _____ BLAIR _____
 GERARD _____ LONG _____ SMITH _____
 WENTLAND _____ LASERFICHE _____ PUBLICATION _____

Mayor Allen called the Regular Meeting of the City Council to order at 7:01 p.m. in the Council Chambers at LeClaire City Hall. Present: Council Members Blair, Gerard, Long, and Wentland. Absent: Council Member Smith and City Administrator Choate. Also present: Police Chief Themas, Library Director Miller, and Fire Chief Bradley.

CONSENT AGENDA

Agenda & Revisions: No revisions.

Receipts & Claims:

VENDOR	REFERENCE	AMOUNT
ADVANCED BUSINESS SYSTEMS	COPIER & COPY CHARGES	238.01
AGVANTAGE FS	FUEL	3,587.22
ALEXIS FIRE EQUIPMENT CO.	HOSE, GEAR, HOODS, GLOVES, ETC.	9,208.40
LINDA S. ALLEN	JANITOR	180.00
AMAZON	LIBRARY A/V & MISC SUPPLYS, HARD DRIVE, MONITOR, TRAINING MATL'S	1,026.59
ASPEN EQUIPMENT	LAB FRIDGE, KEYBOARD	
AUTO TRIM & SIGN INC.	PLOW OIL & BLADE ASSY KIT	612.40
BROOKS LAW FIRM, P.C.	CITY VEHICLE SIGNS	160.00
DEBORAH F. BUSKIRK	LEGAL SERVICES	3,864.00
CANON FINANCIAL SERVICES, INC.	LIBRARY DVD	21.36
CARQUEST AUTO PARTS	COPIER LEASE	110.00
CRESCENT ELECTRIC SUPPLY CO.	VEHICLES/EQUIP., PARTS/SUPPLIES	666.19
COMMUNITY SUCCESS INITIATIVE	FLUORESCENT LAMPS	9.94
DAVENPORT ELECTRIC CONTRACT CO	TOURISM MANAGER	1,850.00
DULTMEIER SALES DAVENPORT INC.	HEADWORKS BLDG ELEC HEATERS & BILLBOARD LIGHTING	1,150.58
ECONO SIGNS LLC	BRINE SYSTEM SALIMETER	73.25
FASTENAL-IABETT	SIGNS	2,172.07
FRED'S TOWING SERVICE	PLOW BOLTS	16.43
GALLS	JUMP START SQUAD	45.00
GREEN GABLES MARINA, INC.	POLICE OFFICER UNIFORM ITEMS	80.74
H & H TOWING, LLC	RESCUE #4 BOAT SLIP	1,850.00
HENDERSON PRODUCTS, INC.	TOW TRUCK TO PWD	200.00
HUMANE SOCIETY OF SCOTT COUNTY	TRUCK STROBES & WINCHES	1,200.00
IA ASSN OF MUNICIPAL UTILITIES	ANIMAL CONTROL	600.00
IA DEPT OF REVENUE	PWD TRAINING	839.80
IA MUNICIPAL FINANCE OFFICERS	SALES TAX	599.00
	2018 MEMBERSHIP	50.00

VENDOR	REFERENCE	AMOUNT
INGRAM	LIBRARY BOOKS	1,311.07
INTERSTATE POWER SYSTEMS, INC	RECALIBRATE TRUCK ECU	155.54
JUMPIN JOEY'S	EASTER BOUNCEY HOUSE	125.00
KWQC	ADVERTISING	600.00
LECLAIRE AUTO SERVICE	VEHICLES/EQUIP., REPAIRS/MAINT.	715.29
LECLAIRE CHAMBER OF COMMERCE	2018 MEMBERSHIP	35.00
LECLAIRE FIREFIGHTER'S ASSOC.	COMMUNITY ROOM RENT	3,325.00
LIGHTEDGE SOLUTIONS INC.	WEBSITE HOST	28.00
LOWE'S HOME CENTER, LLC	PWD TOOLS & EQUIPMENT	255.45
M & M FLOOR CLEANING	JANITOR	708.00
MARTIN EQUIPMENT OF IA-IL, INC	BACKHOE HOSE	19.91
REBECCA MECARTEA	MILEAGE-DUBUQUE LIBRARY	76.30
MID-STATES ORGANIZED CRIME CTR	2018 MEMBERSHIP	100.00
MIDWEST WHEEL CO.	TRUCK WHEEL RIMS	166.00
MUTUAL OF OMAHA	INSURANCE	648.27
NEOPOST USA INC.	POSTAGE METER RENT	78.57
OFFICE MACHINE CONSULTANTS INC	COPY CHARGES	37.47
OVERDRIVE, INC.	eBOOKS	90.99
CONNIE OWINGS	OCLC CATALOGING	27.50
PILLAR EQUIPMENT	CHAINSAW SAFETY PANTS	186.24
QC ANALYTICAL SERVICES, LLC	WWTP OPERATOR & TESTING	5,201.22
QUAD CITY TECH, INC.	PWD TRUCK REPAIRS	507.65
QUILL CORPORATION	OFFICE SUPPLIES	177.21
RACOM CORPORATION	SQUADS PRINTER PAPER	250.00
JENNIFER RATHJE	JANITOR	225.00
REPUBLIC COMPANIES	ELECTRICAL SUPPLIES	212.85
REPUBLIC SERVICES	GARBAGE SERVICES	23,955.36
COLEEN RHOADS	MILEAGE-IAWEA CONFERENCE	167.86
RIVERSTONE GROUP, INC.	RIP/RAP-TERRITORIAL/277TH FOR	307.30
SADLER POWER TRAIN, INC.	PWD TRUCK HYDRAULIC HOSE	75.33
SCOTT COUNTY SHERIFF	BOOKING FEES	250.00
SLAGLE'S GROCERY	MISC. SUPPLIES	9.96
THEISEN'S SUPPLY INC.	CHAINSAW CHAPS	115.99
TRI CITY BLACKTOP, INC	POTHoles UPM MIX	235.20
UNIFORM DEN, INC.	POLICE OFFICER UNIFORM ITEMS	145.45
VEENSTRA & KIMM, INC.	ENGINEERING SERVICES	5,500.70
WEHRMAN INSURANCE	NEW PWD TRUCK INSURANCE	220.00
WINDSTREAM	KERI PHONE LINE	67.52
PAYROLL	PAYROLL	41,680.58

Receipts by fund: General 68,994.67; Group Insurance 17,063.21; Emergency 1,934.71; T.I.F. 212,872.27; Debt Service 20,284.96; Sewer 49,727.05 – **Total Receipts \$370,876.87**; **Claims by fund:** General 79,466.55; Road Use 14,537.08; FICA/IPERS 6,015.91; Group Insurance 519.78; Sewer 14,960.44; Capital Projects 2,906.00 – **Total Claims \$118,405.76**.

Minutes: 3/5/18 Public Hearing; 3/5/18 Regular Meeting; 3/5/18 Committee-of-the Whole; and 3/12/18 Public Hearing.

Licenses & Permits: Sneaky Pete's Class "C" Liquor License and Riverview Roadhouse Class "C" Liquor License.

Other Items: None.

Bits & Pieces: April 2018.

RESOLUTION #18-44 – CONSENT AGENDA

Moved by Long, seconded by Blair, to approve the Consent Agenda as presented. Roll Call: Blair, Gerard, Long, and Wentland, yes. Carried.

PUBLIC APPEARANCES

Barb Ritter, 330 Walnut Street, apologized for Facebook posts regarding the Kwik Star development that may have been offensive, adding that it should have been brought to her attention respectively.

Barb Ritter read a letter of resignation from the Planning & Zoning Commission submitted by herself, Cheryl Allbee, and Erika Smith, effective immediately.

Mayor Allen discussed the City Council’s rights regarding the Kwik Star project and Planning & Zoning Commission’s recommendation(s).

MAYOR’S REPORT

Mayor Allen commented on the St. Patrick’s weekend basketball events.

Mayor Allen proclaimed April 5, 2018, as Junior Achievement Day. Mayor Allen commented Junior Achievement is an excellent organization, he wholeheartedly agrees what was read in the proclamation, and JA helps young people get a taste of business before actually entering the business world.

JUNIOR ACHIEVEMENT DAY

WHEREAS, the City of LeClaire recognizes Junior Achievement of the Heartland’s purpose to inspire and prepare young people to succeed in a global economy.

WHEREAS, the City of LeClaire will observe JA Day on April 5, 2018, as an opportunity to recognize and celebrate Junior Achievement of the Heartland for empowering our young people to own their economic success.

WHEREAS, Junior Achievement of the Heartland’s educational contribution equips our young people to become the next generation of productive employees and self-sufficient citizens to ensure the economic prosperity of LeClaire.

WHEREAS, Junior Achievement of the Heartland includes opportunities for educators, parents and community volunteers to connect classroom learning to life after graduation.

WHEREAS, it is fitting for LeClaire to support the goals of Junior Achievement of the Heartland, and we encourage the continuing partnership of business, education, and community in achieving these said goals.

WHEREAS, it is fitting for parents, educators, businesses and other members of the community to join the celebration in an effort to ensure the future success and economic health of our young people and the communities in which they live.

NOW, THEREFORE, I, Ray Allen, Mayor of LeClaire, Iowa, do hereby proclaim official recognition of April 5, 2018, as

**JUNIOR ACHIEVEMENT DAY
In the City of LeClaire**

Mayor Allen introduced Wade Dummond of Kwik Star with an update on the project. Mr. Dummond announced a Turn Lane Construction Agreement has been submitted for the project and discussed what that entails. Mayor Allen commented Kwik Star's contribution is up to \$86,000. City Engineer Foley explained the preliminary design consists of the construction of a right turn lane and either a straight through or double right turn lane.

Mr. Dummond addressed concerns about Kwik Star's operations and explained they are members of the area Chamber of Commerce(s) and they participate and sponsor events and fundraising drives. They are a sponsor of the Quad Cities Criterium, and Salvation Army kettles are in all their stores. Kwik Star is involved with the Special Olympics, Feeding America, Partnership in a Healthy America, and local food banks.

Attorney Michael Meloy, representing local residents and taxpayers opposed to the rezoning, commented the announcement by Kwik Star to pay for the construction of a turn lane does not change the residents objection to the rezoning request and asked the council to vote against the second reading of the rezoning ordinance.

ORDINANCE #792 – 2018 ZONING DISTRICT AND ZONING ORDINANCE TEXT AMENDMENT #1 – SECOND READING

Council Member Gerard read the second reading of Ordinance #792 in title only.

Moved by Gerard, seconded by Wentland, to approve the second reading in title only and waiving of the third reading. Discussion. Roll Call: Blair, Gerard, Long, and Wentland, yes. Carried.

ORDINANCE #792

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF LECLAIRE, IOWA, BY AMENDING CHAPTER 165 - ZONING REGULATIONS - JUNE 21, 1999 - ZONING ORDINANCE (SPECIFICALLY ARTICLE I, SUB-SECTION 7-1.43 – DEFINITIONS – CONVENIENCE STORE; ARTICLE X, XI, AND XII SECTION 4 (IN EACH) – HEIGHT REGULATIONS; AND ARTICLE XVIII.13 – ACCESSORY BUILDINGS OR USES) AND THE ZONING DISTRICT MAP.

WHEREAS, After having published notice of multiple public meetings and official public hearings on the matter; after having solicited and received verbal and written public input on the matter; and, after having consulted, discussed and previously amended the City's comprehensive plan in this matter;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LECLAIRE, IOWA, THAT:

Section 1. The LeClaire Municipal Zoning District Map (Ord. #553, 06-21-1999) be and is herewith amended as follows:

1. Rezone the following legally described tract of land from its current **Single-Family Residential (R-1)** classification to a **Highway-Oriented Commercial Service District (C-3)** classification:

Legal Description

Parcel A:

Part of the Southeast Quarter (S.E.1/4) of Section Three (3) and part of the Fractional Southwest Quarter (S.W.1/4) of Section Two (2), all in Township Seventy-eight (78) North, Range Five (5) East of the 5th P.M., in Scott County, Iowa, more particularly described as follows:

Commencing at the Northeast corner of the S.E.1/4 of said Section 3; thence South 364.32 feet along the East line of the S.E.1/4 of said Section 3; thence South 62° 30' West 38 feet to the place of beginning of the tract of land herein described; thence South 28° East 140 feet; thence South 62° 30' West 315 feet; thence North 28° West 140 feet; thence North 62° 30' East 315 feet to the place of beginning. Together with a private roadway easement (20 feet in width) of which the centerline is described as follows:

Commencing at the Northeast corner of the S.E.1/4 of said Section 3; thence South 364.32 feet along the East line of the S.E.1/4 of said Section 3; thence South 62° 30' West 38 feet; thence South 28° East 140 feet; thence South 62° 30' West 305 feet to the place of beginning of the centerline of the private driveway herein described; thence South 28° East 90 feet; thence South 78° 34' East 120.02 feet; thence South 25° 31' East 202 feet to a point in the present Northerly right of way line of the U.S. Route #67 (Davenport-LeClaire Road).

Parcel B:

Part of Sections Two (2) and Three (3) in Township Seventy-eight (78) North, Range Five (5) East of the 5th P.M.; commencing at the Northeast corner of the S.E.1/4 of said Section 3; thence South on the Section line 364.32 feet; thence South 62° 30' West 38 feet for a place of beginning; thence South 28° East 552 feet to the North line of the Davenport and LeClaire Road; thence South 64° 29' West along the North line of said road 315 feet; thence North 28° West 541.1 feet; thence North 62° 30' East 315 feet to the place of beginning. EXCEPTING therefrom that portion of the above described real estate deeded to Robert L. Browning and M. Bernice Browning, husband and wife, by Warranty Deed dated November 2, 1965 and recorded in 291 Deeds, 458, records in the Office of the Recorder of Scott County, Iowa, and described as follows:

Part of the S.E.1/4 of Section 3 and part of the fractional S.W.1/4 of Section 2, all in T78N, R5E of the 5th P.M., in Scott County, Iowa, more particularly described as follows:

Commencing at the Northeast corner of the S.E.1/4 of said Section 3; thence South 364.32 feet along the East line of the S.E.1/4 of said Section 3; thence South 62° 30' West 38 feet to the place of beginning of the tract of land herein described; thence South 28° East 140 feet; thence South 62° 30' West 315 feet; thence North 28° West 140 feet; thence North 62° 30' East 315 feet to the place of beginning. Also EXCEPTING that parcel of land conveyed to State of Iowa by Warranty Deed recorded in Volume 276 Deeds, page 555. Also EXCEPTING that parcel of land conveyed to the State of Iowa by Warranty Deed recorded as Document No. 09534-95. **This parcel contains 3.3 acres more or less. (See attached exhibit.)**

Section 2. The LeClaire Municipal Zoning Ordinance (Ord. #553, 06-21-1999, Article I, Sub-Section 7-1.43 – Definitions – Convenience Store; Article X, XI, and XII, Section 4 (In Each) – Height Regulations; And Article XVIII.13 – Accessory Buildings Or Uses) be and are herewith amended as follows:

1. In Sub-Section 7.1.43 – Convenience Store, change the maximum allowable size from the current 5,000 square feet to 6,500 square feet.
2. In Section X.4 (C-1) add the following new language to the end of this Section:

X.4 HEIGHT REGULATIONS. No principal building or structure or portion thereof will exceed a height of forty feet (40'). No accessory building, structure, or use will exceed a height of fifteen feet (15') *unless otherwise approved upon review by the City as a part of the site plan consideration process. In no case shall any accessory building, structure, or use exceed the maximum height allowed for a principal building or structure in this District.*

3. In Section XI.4 (C-2) add the following new language to the end of this Section:

XI.4 HEIGHT REGULATIONS. No principal building or structure or portion thereof will exceed a height of seventy-five feet (75'). No accessory building, structure, or use will exceed a height of fifteen feet (15') *unless otherwise approved upon review by the City as a part of the site plan consideration process. In no case shall any*

accessory building, structure, or use exceed the maximum height allowed for a principal building or structure in this District.

4. In Section XII.4 (C-3) add the following new language to the end of this Section:

XII.4 HEIGHT REGULATIONS. No principal building or structure or portion thereof will exceed a height of one hundred feet (100'). No accessory building, structure, or use will exceed a height of fifteen feet (15') *unless otherwise approved upon review by the City as a part of the site plan consideration process. In no case shall any accessory building, structure, or use exceed the maximum height allowed for a principal building or structure in this District.*

5. Amend the title of Section XVIII.13 to read: **RESIDENTIAL ACCESSORY BUILDINGS, STRUCTURES, OR USES (See ILLUSTRATION "A") – Applicable to Residential Zoning Districts & Uses Only.**
6. In Section XVIII.13-4 – **Size and Maximum Number of Accessory Buildings** – delete the words “commercial” and “industrial” in the 3rd line.

Section 3. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 4. SEVERABILITY CLAUSE. 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. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval, publication, and/or recording as required by law.

RESOLUTION #18-45 – BOARD OF ADJUSTMENT MEMBERSHIP APPOINTMENT

Moved by Gerard, seconded by Long, to approve the recommendation of the Board of Adjustment for the appointment of Linda Kamp. Roll Call: Blair, Gerard, Long, and Wentland, yes. Carried. [Note: 5-year term expiring March 2, 2023]

RESOLUTION #18-46 – RESOLUTION FINALLY APPROVING THE PROPOSED PLANS, SPECIFICATIONS, FORM OF CONTRACT, AND ESTIMATE OF COST FOR THE “2018 CRACK & SEAL IMPROVEMENTS” PROJECT

Moved by Gerard, seconded by Long, to finally approve the proposed plans, specifications, form of contract, and estimate of cost for the 2018 Crack & Seal Improvements project, as presented. Roll Call: Blair, Gerard, Long, and Wentland, yes. Carried.

RESOLUTION #18-46

A RESOLUTION FINALLY APPROVING AND CONFIRMING PLANS, SPECIFICATIONS, FORM OF CONTRACT, AND ESTIMATE OF COST FOR THE “2018 CRACK AND SEAL IMPROVEMENTS” PROJECT

WHEREAS, this Council has heretofore preliminarily approved plans, specifications, form of contract, and estimate of cost (the “Contract Documents”) for the proposed “2018 Crack and Seal Improvements” (the “Project”), as described in the resolution providing for a notice of hearing on the Contract Documents for the Project and the taking of bids therefor; and

WHEREAS, a hearing has been held on said project and the following comments were filed with the City with regards to these Contract Documents;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of LeClaire, Iowa, as follows:

Section 1. The Contract Documents referred to in the preamble hereof are hereby finally approved, and the prior action of the Council preliminarily approving them is hereby finally confirmed, and the Project, as provided for in the Contract Documents, is necessary and desirable.

Section 2. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

RESOLUTION #18-47 – “HOT DOG GUY” PUBLIC VENDING PERMIT RENEWAL

Moved by Long, seconded by Blair, to renew the “Hot Dog Guy” public vending permit renewal for a three year (3-year) renewal for \$200 per year. Discussion. Roll Call: Blair, Gerard, Long, and Wentland, yes. Carried.

RESOLUTION #18-48 – PARKS & RECREATION COMMISSION OPEN HOUSE CASH ACCEPTANCE AND ADDITIONAL EXPENDITURE AUTHORIZATION

Moved by Blair, seconded by Gerard, to approve the Parks & Recreation Commission Open House cash acceptance of \$2,980 with the additional expenditures going towards Huckleberry Park project. Roll Call: Blair, Gerard, Long, and Wentland, yes. Carried.

RESOLUTION #18-49 – HUCKLEBERRY PARK PAVILION DESIGN PHASE SERVICES AUTHORIZATION

Moved by Blair, seconded by Long, to approve the Huckleberry Park pavilion design phase services to not exceed \$10,000 with services provided by a vendor to be determined. Discussion. Roll Call: Blair, Gerard, Long, and Wentland, yes. Carried.

RESOLUTION #18-50 – DISPOSAL OF USED AND SURPLUS PUBLIC PROPERTY – LIBRARY MISC. ITEMS

Moved by Blair, seconded by Long, to approve the disposal of used and surplus public property from the Library - three (3) office chairs. Roll Call: Blair, Gerard, Long, and Wentland, yes. Carried.

RESOLUTION #18-51 – SCRA GRANT APPLICATION AND ADDITIONAL EXPENDITURE AUTHORITY – PARKS & RECREATION COMMISSION

Moved by Blair, seconded by Long, to approve the grant application through SCRA and additional expenditure authority for Parks & Rec. Discussion. Roll Call: Blair, Gerard, Long, and Wentland, yes. Carried. [Note: Huckleberry Park playground equipment]

RESOLUTION #18-52 – MRT PHASE I PROJECT – PRELIMINARY ENGINEERING SERVICES AGREEMENT – VEENSTRA & KIMM

Moved by Blair, seconded by Gerard, to approve the MRT Phase I project preliminary engineering services agreement through V&K [Veenstra & Kimm], maximum amount not to exceed \$20,000 to be paid from the Road Use Tax Fund. Discussion. Roll Call: Blair, Gerard, and Long, yes; Wentland, no. Carried.

RESOLUTION #18-53 – LIBRARY ADDITIONAL EXPENDITURE AUTHORIZATION – TRAINING REQUEST

Moved by Blair, seconded by Long, to approve the library additional expenditure authorization for a \$300 training request to be expended from line item #008-410-6230 with the additional funds coming from an undesignated \$300 Lions Club donation. Roll Call: Blair, Gerard, Long, and Wentland, yes. Carried.

KWIK STAR PROJECT

Mayor Allen commented that one of the reasons he was for the Kwik Star Project is because it is the best alternative for the people that live closest. The view of the river is retained and not sure that would be the case if the owner of the property were to sell that property to a residential developer that might put houses on the land severely obstruct the view of the river or even eliminate it in some cases. He asked the people objecting to the project to consider that before proceeding with whatever they might want to do next.

ADJOURNMENT

Moved by Wentland, seconded by Long, to adjourn at 7:35 p.m. Roll Call: Blair, Gerard, Long, and Wentland, yes. Carried.

Ray C. Allen, Mayor

ATTEST:

Edwin N. Choate, City Administrator