

July 26, 2010  
City Council Meeting Minutes

Mayor Staner called the July 27, 2010 Cascade City Council meeting order at 7:00 PM at the City Hall. Answering roll call was Boffeli, Henry, Knepper, Moriarity, and Soppe. Motion Boffeli, 2<sup>nd</sup> Soppe to approve the meeting agenda and the motion carried 5-0.

Under speakers from the floor, Merlin McDermott wanted to know why the City's new sidewalk ordinance was not yet on the Cascade website. Mayor Staner stated the city staff will make sure that it gets there. McDermott also asked if escrow money had been put down by the company who purchased the Old Grocery Store and if the City would get it if the sale did not happen. Mayor Staner stated that \$1,000 had been deposited into an escrow account by CGP Acquisitions and Development, LLC. Council member Steve Knepper commended everyone who helped with the flooding over the weekend. Knepper also stated that he wanted noted for the record that the city council had nothing to do with forced resignation of 31-year veteran police officer Mike Wheaton, that this was the action of the Mayor and Police Chief, and that he is not happy that this is the way a long time employee was treated. Cletus Hughes stated he wants Cascade to have 24-7 police protection. Stated that someone broke into his garage last week and stole gas from his garage. Stated he was scared to sleep in his own house. Stated that if the City would not have 24-hour police protection, that he would hire the Sheriff to provide police protection for Cascade. Mayor Staner informed Hughes that a Cascade Police Officer would take his theft/burglary complaint after the meeting.

Motion Henry, 2<sup>nd</sup> Soppe to acknowledge and file the meeting minutes of the Utility Board and Planning and Zoning Commission. Motion carried 5-0.

Motion Henry 2<sup>nd</sup> Moriarity to approve the Bent Rim's request to close Adams Street SE between the 1<sup>st</sup> Avenue East and 2<sup>nd</sup> Avenue SE on Saturday, August 28<sup>th</sup> between 4:00 PM and 8:00 PM for the Hospice motorcycle ride. Motion carried 5-0.

Motion Soppe, 2<sup>nd</sup> Henry to open the scheduled public hearing on vacating an unopened portion of 5<sup>th</sup> Avenue SE between Polk Street and Taylor Street, and an unopened portion of 2<sup>nd</sup> Avenue NE from Tyler Street westward 200' to its dead end. Mayor Staner reported that the Planning and Zoning Commission had tabled making a recommendation to the City Council on vacating 5<sup>th</sup> Avenue SW, so the public hearing would be only on vacating 2<sup>nd</sup> Avenue. City Administrator Lansing informed the Council that Ron Benke, Cascade Municipal Utilities Manager, requested the City retain a 15-foot utility easement on 2<sup>nd</sup> Avenue NE for the extension of future gas and electric utilities. Lansing also reported that P&Z was recommending the vacation of 2<sup>nd</sup> Avenue NE after making finds that its vacation would not deny abutting owners reasonable access to their property and that the street was no longer needed for public use. Lansing informed the Council that since the Utilities was requesting a utility easement on the street, and since Shirley McDermott owned the residential lots on either side of the street, and since she would most likely end up with ownership of the vacated street, that maybe she would be willing to give an utility easement somewhere else on her property so that there is not a 15-foot utility easement right down the middle of her property. Shirley McDermott stated that she was willing to give an easement else where on her property, but she wanted the Council to reconsider an earlier decision to sell the vacated street for \$.15/sq.ft. McDermott stated her property along Tyler Street NE does not have access to the city's sanitary sewer and therefore is worth much less money than other property in town. Council member Moriarity asked why McDermott's property did not have city sewer. Lansing explained that McDermott's property sits lower in elevation than the sanitary sewer mains in the area and it will not gravity flow. Motion Boffeli, 2<sup>nd</sup> Moriarity to close the public hearing.

Motion Henry, 2<sup>nd</sup> Soppe to approve the first reading of Ordinance 13-10 vacating a portion of 2<sup>nd</sup> Avenue NE from Tyler Street NE westward 200' to its dead end. Roll call. Soppe-aye, Knepper-aye, Boffeli-aye, Henry-aye, and Moriarity-aye. Motion carried 5-0.

Council members Soppe stated that since the beginning of Randy Lansing's employment 12-years ago there have been changes in the position of City Administrator which have included the Utility Manager and City Clerk. Today the City Administrator position doesn't have the extra duties of Utility Manager or City Clerk, but the pay has never decreased. Soppe feels the pay needs to be inline with the position. Henry stated he wants supporting information in the meeting pockets so he can review and study it before having to make a decision on it. Knepper stated it is routine to get information at the meeting and not

before. Henry compared Utility Manager Ron Benke's salary of \$65,878 with Lansing's at \$68,501, and stated he feels the City is right where it needs to be with Lansing's salary. Soppe stated Lansing's salary is paid from property taxes and Benke's is paid from gas and electric revenues. Henry stated that Cascade property tax payers and the same people as the Utilities' gas and electric rate payers. Motion Soppe, 2<sup>nd</sup> Knepper to decrease the City Administrator's pay to \$60,000. Mayor Staner opened discussion on the motion by stating the Council and Utility Board pulled the combine position of City Administrator/Utility Manager apart at the start of 2006 when the work load of the combined position was too much for one person; and at that time Lansing was appointed as City Clerk and City Treasurer and his salary was froze. Henry stated that the City Administrator's pay has gone through 5 budget sessions by 3 city councils since 2006, including this one, and none have had a problem with salary until now – what's changed? Henry asked Soppe where he came up with a \$6,000 decrease, what is it based on, and where is justification for it? Henry stated there was no preparation, no comparison, and no thought behind this motion.

Mayor Staner recognized Bill Green and allowed him to speak. Green stated he feels Lansing does a very good job as City Administrator and that Soppe is out of line and off base with his motion. Green stated that Soppe needs to take into account the whole picture. Mayor Staner recognized Clay Gavin and allowed him to speak. Gavin stated that he was on the Utility Board in 1997 when the Council and Utility Board created the combined position of City Administrator/Utility Manager. He stated the intent was always to have an Assistant City Administrator/Utility Manager, and the Council and Utility Board did in fact have an assistant for a short time. That position did not work out, partly because of the person hired, and the duties were spread to two full time managers. Gavin stated that when considering the salary for the City Administrator position now you have to take into consideration what the pay of the administrator and the assistant would be if you had both positions yet. Gavin also stated that when comparing salaries of similar sized cities, you must take into consideration the years of experience, credentials, responsibilities, duties, ability, and merit of those managers to arrive at an appropriate salary for Cascade. Gavin stated he feels this is not the proper time for considering the City Administrator's salary, that this needs to be done at budget time.

Mayor Staner stated that City's progress over the last 12-years did not happen by accident, that it was the result of planning and hard work on the part of the City Council, Mayor, and the City Administrator. Staner stated that Cascade is the 3<sup>rd</sup> fastest growing community in Dubuque County, maintains the lowest tax rate of any city over 1,000 people in the five county area, and is sitting on over \$1.5 million dollars in reserves. Henry stated that there just isn't enough information to make this decision tonight. Henry stated it just doesn't make sense to take money away from a guy who is doing his job. Staner asked Soppe what Lansing had done to deserve a decrease in pay? Staner stated that no matter how you put the calculator to it, Lansing is worth his salary. Henry questioned Soppe on why this salary discussion was not brought up two months ago when the Council set wages and salaries for FY-11? Henry stated he feels the whole matter is a setup and very coincidental to the forced retirement of another city employee. Soppe responded that since Henry brought up the forced resignation of Mike Wheaton, he wants to know where the 4 missing emails are on Wheaton's dismissal. Stated he as requested them from Lansing but has never received them. Moriarity suggested tabling the discussion and any action on it until better data is available. Soppe rescinded his motion to decrease the City Administrator's pay to \$60,000 and Knepper rescinded his second to the motion. Motion Soppe, 2<sup>nd</sup> Moriarity to table the matter until more data is gathered. Motion carried 5-0.

Motion Boffeli, 2<sup>nd</sup> Moriarity to approve the 3<sup>rd</sup> and final reading of Ordinance 9-10 rezoning McDermott Limited Partnership LLLP's request to rezone 799 Nixon Street NE, Marilyn's Café, from M-2 Heavy Industrial to C-1 Highway Commercial. Roll Call. Knepper-aye, Boffeli-aye, Henry-aye, Moriarity-aye, and Soppe-aye. Motion carried 5-0.

Motion Henry, 2<sup>nd</sup> Boffeli to approve the 3<sup>rd</sup> and final reading of Ordinance 10-10 Schwager's request to rezone 1501 1<sup>st</sup> Avenue E, Dreams to Reality, from M-2 Heavy Industrial to C-1 Highway Commercial. Roll Call. Boffeli-aye, Henry-aye, Moriarity-aye, Soppe-aye, and Knepper-aye. Motion carried 5-0.

Moriarity expressed concerns with Ordinance 11-10 establishing a volunteer emergency medical service for the City of Cascade in that it requires Council approval of the Ambulance Director. Moriarity feels the Council should let the membership of the ambulance crew select a Director from their ranks. Lansing explained that the wording in Section 3 of the EMS ordinance allows for this selection process and it is

the same process used by the Fire Department. The proposed ordinance's wording is nearly the same as the Fire Department ordinance. Motion Boffeli, 2<sup>nd</sup> Henry to approve the 3<sup>rd</sup> and final reading of Ordinance 11-10 establishing a volunteer emergency medical service for the City of Cascade and setting charges for service. Roll Call. Boffeli-aye, Henry-aye, Moriarity-aye, Soppe-aye, and Knepper-aye. Motion carried 5-0.

Motion Soppe, 2<sup>nd</sup> Moriarity to approve Resolution 49-10 appointing Shelley Annis as City Clerk and City Treasurer of the City of Cascade. Roll Call. Henry-nay, Moriarity-aye, Soppe-aye, Knepper-aye, and Boffeli-aye. Motion carried 4-1.

City Administrator Lansing gave a report on the Housing and Urban Development Single Family New Construction Program in Cascade administered by East Central Intergovernmental Association (ECIA). ECIA is taking applications from low to moderate income families for the construction and ownership of four new house on lots on 5<sup>th</sup> Avenue SE and 6<sup>th</sup> Avenue between Monroe and Madison streets.

Motion Henry to approve the ordering of 8 roadway streetlights for 1<sup>st</sup> Avenue East and 8 residential streetlights to finish up the NW and start in the NE for \$21,250. Lansing stated the FY-11 budget contains enough money to purchase the streetlights and concrete bases, but the installation of underground electric lines to feed the lights will exceed the budgeted amount. Lansing stated that the additional expense can be covered with TIF Funds. With no second to the motion, Mayor Staner invited discuss by council members. Moriarity stated he didn't feel that there was need or reason to put in new streetlights when the old ones are working fine. Mayor Staner recognized Merlin McDermott, Cascade Municipal Utilities Board Member, and allowed him to talk. McDermott reminded the Council that it had already incurred the cost of directional boring to all the streetlight locations and that the City had already paid for the concrete bases for these new streetlights. In addition the Utilities will be removing the utility poles that the current streetlights are mounted to. Boffeli stated he was in favor of purchasing the streetlights so that what has been laid out for replacement by the Utilities can be finished, but he wants to hold back from there. Soppe seconded Henry's motion to purchase the new streetlights, but he wants a budget amendment for the additional expense and the approved TIF to Merritt Family Chiropractic. Motion carried 4-1.

Motion Boffeli, 2<sup>nd</sup> Soppe to approve the hiring of Lee Ann Leytem as Local Access Channel Operator to replace Indra Jara who is giving up the job at the end of July. Motion carried 5-0.

Motion Moriarity, 2<sup>nd</sup> Henry to accept a \$925 bid from Dan Pfab for the purchase of a used dump truck box and hoist. Motion carried 5-0.

Motion Henry, 2<sup>nd</sup> Moriarity to approve City Council meeting minutes. Motion Boffeli, 2<sup>nd</sup> Henry to file correspondence. Both motions carried 5-0.

City Administrator Lansing reported on the preparations and impacts of the flooding over the weekend. Lansing stated that the river crested about 8 inches higher than in 2002, and that there were portions of the South Levee where the water was only 8 to 10 inches from overtopping it. Henry stated that he wants the extending the South Levee along Buchanan Street on the next meeting agenda. Moriarity stated that the flood level was 5-feet lower a quarter mile downstream at Roger's campground because the tight bottleneck in the river holds up the flood waters. Staner thanked everyone who helped with the flooding stating they did a great job once again protecting Cascade – the Cascade Fire Department, Randy Lyons, Mark Weber, the city crew, and members of the Bernard and Worthington Fire Departments.

Motion Moriarity, 2<sup>nd</sup> Knepper to adjourn the meeting at 8:45 PM.

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Randy Lansing, City Administrator