

Minutes of the meeting of the Buffalo City Council held on June 06, 2022. Meeting called to order by Mayor Sally Rodriguez, at 6:00pm. All members with a "\*" after their name participated electronically for the meeting. All other participants were in the Council Chambers. Present Mary Moore, Ted Teel, Austin Miller, Brandon Berg, Joe Buffington (excused), Public Works Director Josh Ferkel, City Attorney William McCullough, City Engineer Mike Janecek (excused), Police Chief TJ Behning, Fire Chief Doug Anderson, and City Clerk Tanna Leonard.

### **Consent Agenda**

- Approval of Agenda
- Approval of the minutes of the May 02 & 19, 2022, council meetings.
- Payment of claims
- Clerk Report

Motion by Teel and seconded by Miller to approve the consent agenda. Motion carried unanimously.

**Public Input-** Mayor Rodriguez reported that if someone sees anything suspicious, they should be calling 911. She also mentioned that the Beach Bash was a success and thanked everyone in the planning of the event. Moore asked if "911" was for emergencies. Behning explained that several years ago they began accepting more calls through the 911 system because people may not have the non-emergency number. Mayor Rodriguez said that there were business cards at City Hall for the non-emergency numbers and tips of who and when to call.

Jim Rogers explained that Iowa law states that if you have a fence on property for a period then you are now responsible for the fence. He asked William McCullough if this is true, and William explained that under specific circumstances Adverse Possession may apply but not in this case. Rogers said people on council pick and choose who gets what treatment, and it's not fair. The fence at the cemetery deal was brought up by a council member that lives there and now the city is paying to remove a fence that they aren't responsible for. Council member Miller stated that he does not live at the location but at 1111 Walnut Street. Rogers said that the corner was fixed at Doug's corner but not at the church's corner, Buffington was able to move a garage and slap a couple of sheets of OSB and not have to remove same garages that many others were requested to tear down. Rodgers said council only sees what they want to see and does not treat everyone with the same fairness. Rodriguez explained that the city receives complaints, then we verify if the issues is not compliant with the code. If it is not, then a letter is sent to the resident. Mayor Rodriguez stated that she does not drive around and have letter sent. Once a resident receives a letter then they sometimes file a complaint about someone else.

Jeanne Hedges asked the council if they were going to require her to tear down her garage or fine her for the work that she had been doing. Ferkel said that he did a cease and desist for the work on the garage because certain floodplain requirements needed to be met, and he was waiting on the IDNR. Ferkel explained that he could meet with her tomorrow and figure out a plan.

John Guizar explained to the council that he grew up a Martinez and has had issues with the folks from the Outing Club from 1954. He said that he had asked them to build a fence along their boundary and after several years of request, he went ahead and built the fence. Since the installation he has had several interactions with those folks. The last interaction was with Reggie, where he was with IDNR testing the runoff from his property. The tests showed that there were no issues, but Guizar requested

the city investigate the ownership of the fence that is installed along Spruce Street. Teel said that Ferkel, Rodriguez and he could meet down there tomorrow to investigate the situation.

## **Discussion & Decision**

**Street Scape** Janecek was excused and there were no updates regarding the street scape.

### **Mullanack Easement**

McCullough explained that he reviewed documentation sent to his office from Linda. Although there were minimum maintenance items included some things that have been continued were not.

Motion by Teel and seconded by Berg to continue the same maintenance at the location and instruct William McCullough to prepare the appropriate documentation. Motion carried unanimously.

Clerk asked McCullough the status of the walk bridge that Ms. Mullanack also asked about. McCullough explained that he was investigating the paperwork and that what was on file at the recorder's office may be the original location and not the new location. He was still working on the project.

### **Cyber Security Analysis**

Motion by Teel and seconded by Miller to have FlyAKite Technologies LLC. Perform the Cybersecurity analysis for City Hall for initial inspection @\$70 per hour and \$150 per quarterly inspection thereafter, Buffalo Police Department Semi-annual @ \$100 per visit, and Buffalo Fire Department Semi-Annual @ \$100 per visit. Motion carried unanimously.

### **Cemetery Survey/Fence**

Motion by Teel to remove the fence and trees located at the cemetery along the Simmons property.

Council discussed the location of the fence and that some of the fence was on the neighbor's property.

Jim Rogers commented that if it is on your property for so many years it becomes your responsibility.

Moore asked for clarification on where the fence was on city property and where the fence was on the homeowner's property. McCullough recommended waiting for the City Engineer to clarify those questions. Council members explained that there was a section of approximately 8ft-10ft of the fence that was on the homeowner's property.

Clerk asked if there was a motion on the table from Teel. Teel said that he had made a motion. Berg asked for clarification on the motion and that he would be in favor of removing the trees and fence that were on the city property.

Teel amended his motion to have Public Works remove the fence and trees along west property line with Simmon's that is on city property. Motion seconded by Berg and carried with all but Moore voting in favor.

### **Golf Cart**

Miller said that he has been approached by a lot of people regarding the travel of golf carts on Dodge Street to pick up their child from school. Teel said that the state has some new requirements coming into effect and that we should wait until the file is released. Motion by Miller and seconded by Teel to table the ordinance until further updates are available. Motion carried unanimously.

### **Copier**

Motion by Teel seconded by Miller to accept the bid for a new copier from Advanced Business for the amount of \$3,804. Motion carried unanimously.

### **Liquor License Buffalo Days**

Motion by Teel and seconded by Miller to approve the liquor license for Buffalo Days. Motion carried unanimously.

### **Council Meeting Date and Time**

Rodriguez suggested changing the date of the council meeting so that the Engineer and Attorney could attend the full meeting without conflict and that prior month's financial statements could be prepared. This would also give time to prepare reconciliations for the bank accounts. Motion by Teel and seconded by Moore to create an ordinance changing the meeting date to the second Monday of the month.

### **Financial Statement Approval**

Motion by Moore and seconded by Teel to table the Statements until next meeting. Motion carries unanimously.

### **Anchoring Picnic Tables**

Rodriguez explained that she asked Ferkel to review this as an option to prevent kids from moving tables to climb onto the roof of the pavilion. Ferkel said that he can use a hammer drill to immobilize the tables for daily use but that they would be removable for special events.

Motion by Teel and seconded by Miller to immobilize the tables. Motion carried unanimously.

### **QC Corporate Games**

Rodriguez reminded the public that June 8, the event would occur. She had informed local businesses and planned on attending.

### **TOMRV-Tour of the Mississippi River Valley Bicycle**

Rodriguez explained that the breakfast was June 12, 2022, and that they still needed volunteers. Please contact her if you would like to help.

### **Dollar General**

Rodriguez explained that Dollar General waiver was submitted and that IDOT had responded, denying the application. Teel asked that we move forward with the judicial review. Rodriguez said she would like to get conformation that Mr. Kautz was still in favor of the project before moving forward and spending additional funds.

### **Utility Holiday**

Teel reported to the council that he would consider providing a "Utility Holiday" to customers where a discount would be attached to the utility bill. Funding would come from the ARPA funding. Attorney questioned whether this would be allowed under the ruling for use. Council would table until further information could be obtained. Motion by Teel, seconded by Berg and carried unanimously.

### **Bathroom Cleaning at Park**

Motion by Teel and seconded by Berg to have Meg's Cleaning perform additional cleaning of the Terry Adams Park Restrooms. Motion carried unanimously.

### **Resolutions**

Motion by Teel and Seconded by Berg to approve Resolution 2022-32, for the special provisions of Buffalo Day. Motion carried unanimously

Motion by Miller and seconded by Berg to approve resolution 2022-33 the approval of Bunker Gear for Fire Department. Motion carried unanimously.

Motion by Miller and seconded by Berg to approve resolution 2022-34 the approval of wages for employees. Motion carried unanimously.

Motion by Teel and seconded by Berg to approve resolution 2022-35 resetting the date for the Budget Hearing. Motion carried unanimously.

### **Public Works Report-**

- Installed Valley Ball Nets
- Filled graves and seeded
- Cut down dead trees in the park
- Moved the gazebo from 329 Jefferson
- Put up flags for Memorial Day
- Performed Sewer Maintenance
- New Cameras installed at the BAC

Teel asked if it would be possible to leave flags up year-round on those poles that were property lighted. He also asked when the road repairs were going to be completed next

to Trent Adams, Adams had not said anything to Teel, but it has been open for a while. Additionally, it was asked if repairs had been made to Spruce Street where the water main break was. Ferkel said both projects were on his list to be completed pending weather, in the next couple of weeks.

### **Police Department Report**

911 Hang-up - 4  
Accident Personal Injury -3  
Administrative Dutites – 2  
Alarms – Burglary – 3  
Animal Problem – 6  
Assault - 1  
Assist Other Agencies – 2  
Burglary/Home Invasion -1  
Business/Residence Check – 117  
Civil-1  
Disturbance – 5  
Domestic Disturbance/Violence – 2  
Failure to Stop Vehicle - 1  
Harassment Stalking/Threat -2  
Milling/Found Person-1  
Public Service – 32  
Suicidal person -5  
Suspicious – 15  
Theft (Larceny)-2  
Traffic Hazard – 16  
Traffic Stop – 28  
Trespass/Unwanted Person – 1  
Warrant Service – 3  
Total 253

### **Fire Report**

We Spent 28.75 -man hours responding to twenty-one emergency calls in May,

16- EMS Calls  
0-Structure Fire  
1-Vehicle Fire  
1-Grass Fire  
0-Vehicle Accidents  
0-Boat Rescues  
3-Misc. calls



### 131 Total Emergency Responses for 2022

Training: Six members spent 24-man hours doing regular crew duties. Eighteen members spent two hours training on SCBA's and ladder placement.

### **Park Board**

Hass had no other updates from the park board.

### **Community Development**

Kids camp registration has closed and there are 21 campers attending the six-week program June 27-August 5.

### **Community Center**

No updates.

### **Cemetery**

No additional updates were provided.

### **Ordinances**

538 Handicap Parking Spaces added at 307 4<sup>th</sup> St- Motion by Teel and seconded by Berg to approve the first reading of Ordinance 538 and waive the second and third readings for approval of the ordinance. Motion carried unanimously.

539 Water Rates Increase – Motion by Teel and seconded by Moore to approve the first reading to increase the water rates. Motion carried unanimously.

540 Sewer Rates – Motion by Teel and seconded by Miller to approve the first reading to increase the sewer rates. Motion carried unanimously.

541 Disconnection Process- Clerk said that she was still working with the city attorney on a few things and the ordinance will be presented once it has been reviewed.

542 Cemetery Fees- Motion by Teel and seconded by Miller to increase the rates for the cemetery lot purchase to reflect the increase from the Iowa Insurance Division for the annual report review. Motion carried unanimously.

543 Residential Parking- Motion by Berg and seconded by Teel to approve the first reading of ordinance 543 removing the residential parking space at 624 Front Street. Motion carries unanimously.

### **Future meetings**

Next Special City Council meeting June 15, 2022, 6:00pm

Next Regular Council Meeting July 11, 2022

Park Board May 18,2022 6:00pm

Motion by Miller and seconded by Berg to move into closed session per Iowa Code 388.9 at 7:29pm to discuss competitive information.

Motion by Miller, seconded by Moore and carried unanimously to move from closed session at 8:54.

Motion to adjourn the meeting at 8:55 pm by Moore, seconded by Berg and carried unanimously.

  
 Sally Rodriguez, Mayor



Tanna Leonard, City Clerk

CLAIMS REPORT		
VENDOR	REFERENCE	AMOUNT
7G DISTRIBUTING	alcohol	\$ 444.45
7G DISTRIBUTING	alcohol	\$ 72.90
7G DISTRIBUTING	Alcohol	\$ 403.35
A & A AIR COND & REFRIG	Ice Machine Rental	\$ 210.00
ADDOCO INC	playground mulch	\$ 1,944.00
ADVANCED Business Systems	printer contract	\$ 135.38
AFLAC	aflac	\$ 233.20
Alexis Fire Equipment Company	aerial repair	\$ 2,914.85
BABE'S TERMITE & PEST CONTROL	PEST CONTROL	\$ 65.00
BLUE GRASS AUTOMOTIVE	1998 Chevrolet won't start	\$ 326.00
BRENNTAG MID-SOUTH, INC	chlorine-credit	\$ 1,063.05
Central States Funds	HEALTH INSUR.	\$ 18,830.00
Buffalo, City of	utilities	\$ 315.40
COURTESY FORD	break lights	\$ 40.94
Culligan of the Quad Cities	conditioner rental	\$ 56.50
DECCO	replace generator	\$ 28,580.00
Double H" Entertainment "	Beach Bash Memorial Day	\$ 500.00
IRS	FED/FICA TAX	\$ 2,850.77
IRS	FED/FICA TAX	\$ 2,770.69
IRS	FED/FICA TAX	\$ 2,728.69
IRS	FED/FICA TAX	\$ 2,753.38
IRS	FED/FICA TAX	\$ 2,714.00
Electric Pump	dodge st lift station service	\$ 875.75
FORTE CREDIT CARD	FEES FOR PROCESSING ECHCK	\$ 28.75
FREDS TOWING INC	tow 1998 chevrolet	\$ 145.00
GRAVES ENVIRONMENTAL	asbestos inspect. 308 3rd	\$ 600.00
HEARTLAND FIRE & SECURITY	monitoring alarms	\$ 323.40
IA CHILD SUPPORT Recovery Unit	CHILD SUPPORT	\$ 126.51
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Iowa DNR	lab certification	\$ 400.00
Iowa One Call	locates	\$ 51.30
IOWA BEVERAGE	alcohol	\$ 663.15
Interstate Batteries	3 batteries	\$ 377.85
IOWA INSURANCE DIVISION	Cemetery report fees	\$ 86.00
IPERS	POLICE IPERS	\$ 7,464.90
JOHN DEERE FINANCIAL	push mower	\$ 469.00
Kiesler Police Supply	ammo	\$ 327.47
Kirby Water Conditioning	salt	\$ 68.00
Storey Kenworthy/Matt Parrott	checks	\$ 324.59
McCullough, William	professional service	\$ 427.50
McCullough, William	attorney fees	\$ 832.50
MEDIACOM	phone, internet	\$ 1,043.93
MEGHAN MARTIN	BAC cleaning	\$ 450.00
MENARDS-Davenport	concrete forms for gazebo	\$ 48.08
MENARDS - MUSCATINE	Paper towels, tape	\$ 119.23
MENARDS - MUSCATINE	eye bolts, 6x6-12'	\$ 438.94
MID AMERICAN	street lights	\$ 37.58
MID AMERICAN	sewer	\$ 3,828.72
NORTHWEST MECHANICAL	bac boil service call	\$ 288.00
Panther Uniforms Inc	TJ clothing allowance	\$ 134.69
POWER PROCESS	high surface pump repair	\$ 2,807.20
PS3 Enterprises Inc	park toilet	\$ 170.00
QC Analytical Services	operator	\$ 4,907.00
Quad City Times	proof of April mins	\$ 490.62
R.P. LUMBER	window repair	\$ 83.99
REGALIA	pow flags	\$ 57.50
Republic Services #400	trash	\$ 7,119.90
Republic Services #400	yard waste stickers	\$ 150.00
Rock River Electric INC	Dodge St. lift station	\$ 754.95
Resale Power Group of Iowa	electricity purchase	\$ 25,227.80
Resale Power Group of Iowa	electric purchase	\$ 39,114.32
SAFE BUILDING LLC	April inspections	\$ 390.00
Treasurer, State Of Iowa	Sales Tax	\$ 921.10
Treasurer, State Of Iowa	Sales Tax	\$ 790.17
SCOTT COUNTY SHERIFF	Booking fees	\$ 100.00
CARDMEMBER SERVICE	margarita machine	\$ 4,219.04
SE National Bank-BUFFALO BR	Service Charges ACH	
Sports Depot Inc	uniforms	\$ 1,163.00
SPRINGFIELD ARMORY	ammunition	\$ 2,186.49
State Revolving Fund	Sewer Loan Repayment	\$ 25,112.00
Treasurer, State Of Iowa	STATE TAXES	\$ 1,816.00
Treasurer, State Of Iowa	STATE TAXES	\$ 1,816.00
TITAN MACHINERY	backhoe tire	\$ 256.31
Uniform Den	TJ clothing allowance	\$ 243.30
VERIZON	phone	\$ 447.08
Visa	torch	\$ 65.99



Waste Commission of Scott Co	railroad ties	\$ 448.02
WEX BANK	fuel	\$ 3,695.84
WINSOR GROUP CONSULTING	3 phase deposit refund	\$ 625.98
Zimmer & Francescon Inc	Check valve	\$ 350.00
Accounts Payable Total		\$ 214,153.03
General Fund		\$ 83,490.88
COMMUNITY CENTER		\$ 4,779.45
Road Use Tax Fund		\$ 3,855.33
Savings - Police Equip		\$ 2,186.49
Debt Service Fund		\$ 25,112.00
Water Utility Fund		\$ 8,684.84
Sewer Utility Fund		\$ 12,727.10
Electric Utility Fund		\$ 73,314.84
Storm Water Utility Fund		\$ 2.10
TOTAL FUNDS		\$ 214,153.03

#### Revenues April

General Fund \$334306.95  
 Buffalo Days \$11,000.00  
 Community Center \$5,013.00  
 Road Use Tax \$17,589.87  
 Employee Benefit Fund \$62,208.64  
 Local Option Sales Tax \$18,095.30  
 Community Development \$750.00  
 Savings PD \$100.00  
 Water Utility \$10,854.60  
 Sewer Utility \$13,908.58  
 Electric Utility \$43,060.58  
 Storm Water Utility \$ 805.88

#### Revenues May

General Fund \$36,064.12  
 Community Center \$4,594.00  
 Road Use Tax Fund \$13,507.22  
 Employee Benefit Fund \$2,659.37  
 Local Option Sales Tax Fund \$21,287.70  
 Community Development \$ 1,800.00  
 Debt Service Fund \$50,000  
 Water Utility Fund \$ 13,805.79  
 Sewer Utility Fund \$15,967.89  
 Electric Utility Fund \$41,167.84  
 Storm Water Utility Fund \$448.48