

*Corrected meeting date.

Minutes of the special council meeting held April 13, 2023 at 6:00pm. Present council members Joe Buffington, Brandon Berg (excused), Austin Miller, Ted Teel and Mary Moore. Mayor Sally Rodriguez, Public Works Director Josh Ferkel, Police Chief TJ Behning, Police Sgt. Josh Bujalski, Fire Chief Doug Anderson, and City Clerk Tanna Leonard were present as well.

Meeting called to order at 6:00p.m. by Mayor Rodriguez.

Pledge of Allegiance

Consent agenda

Motion by Moore and seconded by Buffington to approve the consent agenda without the approval of the clerk's report. Motion carried unanimously.

Public Input

Mayor Rodriguez stated the following: Be sure to come up to the microphone and state your name and your issue. Also, during the meeting, please try not to have side conversations and talk over each other, so that we can properly document the minutes. Council members should ensure that their motions are detailed.

Thanks to the folks that participated in the park clean up. There are still kids that are on top of the roof of the dugout and concession stand. The officers will continue patrolling the park.

Reminder about the rules for golf carts.

The Buffalo Community Info FaceBook page is not a city website. If you see something wrong, please call the police.

Garage sales for Buffalo are set for May 12-13, 2023.

Clean-up for Buffalo residents is from Apr 15-22, 2023, where you can take items to the landfill for free.

Dollar General

Mayor Rodriguez asked Teel if he had a chance to talk to the folks at Dollar General. He reported that he had left a message and that there was no reply. Ferkel mentioned that Angie Gazdik was by his office and explained that they were still interested in Dollar General. The council discussed that she had said at the last meeting that they didn't feel pursuing Dollar General was a priority. No action was taken.

Linwood Road Crossing Agreement

Clerk explained that Darin from Linwood had reached out to her and was requesting that the city approve the original proposal of crossing 150 feet north of highway 22, at the location where they had engineered for a crossing.

Jessica Lagrange – Room Rental

Jessica explained that she would like to open a tattoo shop at the BAC in room 14 (old senior meal site).

Motion by Teel and seconded by Buffington to permit Jessica Lagrange to rent room 14 (the old art room), with proper state and county licensing, month by month for \$400 per month beginning May 1, 2023. Motion carried unanimously.

Railroad

Mayor Rodriguez asked if the railroad had reached out to Chief Anderson regarding the boat storage. She explained that they were interested in possibly working with a place to store the boat because the proposed repair to the crossing would restrict line of sight view for trains. She explained that she had reached out to them to attend the next meeting,

not this meeting but the following, to discuss the merger and other concerns. She stated that they hadn't confirmed the meeting. J. Ferkel asked if Mayor Rodriguez reached out to them about completing the crossing at the memorial, she said that she had. No formal action taken. Rodriguez asked if we had removed the chain from Maple Street, Ferkel said he would get that back up on his way home.

RAGBRAI

Tim Guizar and Sandra Sechler, RAGBRAI Committee Chairs explained that they attended the meeting in Des Moines and reported the information. Guizar also reported that there was a meeting with Sechler, Rodriguez and RAGBRAI representatives earlier in the day. The discussion was regarding vendor fees and route. The council discussed the vendor fees, route, and event area. The committee asked who the final decision maker on these items would be. Motion by Teel and seconded by Miller to discuss these items at the special meeting on April 25, after the RAGBRAI community meetings.

Hiring Public Works Employee

Motion by Teel and seconded by Miller to table hiring the Public Works Employee. Motion carried unanimously.

Flood

Per the phone update from the National Weather Service the ground thawed and mostly soaked into the ground and there is not much snowpack remaining. They are currently predicting 19.5 on the high end around the first-third of May. Mayor Rodriguez explained that they are meeting regularly with Scott County and have supplies on hand.

Ordinance Violations

Sgt. Bujalski explained that after the meeting where the council asked that abandoned vehicles be reviewed, he checked the entire community and sent out 14 letters regarding code violations. There was one remaining code violation that hadn't been corrected. Chief Behning stated that he would take care of the remaining violations on his next scheduled workday. Bujalski also mentioned that the code doesn't include campers unregistered on private property. Chief Behning explained that it is addressed under abandoned vehicle.

GTSB

Bujalski requested that him and Corporal Wilson be permitted to attend the GTSB conference. Motion by Teel and seconded by Miller to approve the two officers to attend the GTSB conference. Motion carried unanimously.

Spruce Street Berm

Teel stated that he had complaints to postpone the removal of the berm from Spruce Street, until there is a plan in place. He asked the best way to proceed to inform the outing club that they needed to install adequate safety measures immediately after the berm is removed. William offered that a letter could be sent to the outing club. William stated that he could get with the Clerk to send a letter to the Outing Club. Share survey information with them. Clerk asked John Guizar if this satisfied his request with the fence issue that he originally brought to city council. He did not state yes or no but that it was washing out and we had utilities under the berm. Ferkel said the berm was partially covering the manholes. The clerk stated that living in the area she was un in favor of removing the berm due to runoff MS4, safety concerns, and financial burden. Ferkel explained that the water only flows on the north side of the ditch and there would be no rerouting of the waterway so there would be no issues. Mayor Rodriguez asked if it would eat into the street and wash it away. Teel thought that the responsibility should be on the outing club to see that it is protected safely.

Buffington said that being he is on the Streets Committee he went down and looked at the berm and the fence is in good shape, looks like just removing the brush and controlling it would make a difference.

The issue of the shared fence and the outing club, with the safety aspect was re-addressed and Rodriguez asked McCullough if there was a process that could be addressed. McCullough said he could review the information and send the Outing Club a letter.

Motion by Teel and seconded by Buffington to table Spruce Street Berm. Motion carried unanimously.

Leachate

Not fully completed but the estimated completion date is 4/21.

Water and sewer assessment

Janecek stated that they had sent a spreadsheet over to Ferkel for his review and comment. Ferkel said the he didn't get the priorities list yet.

Audit

Mayor Rodriguez explained the results of the audit, McCullough followed up with comments of the report being general in nature for small communities. There were no questions from the public. No action was taken.

Budget

Clerk proposed four options for budgets.

1. Leaving the Max Levy the same as initially proposed with a significant increase of \$7.1376 levy.
2. Decreasing the levy increase to \$1.39 and utilizing ATE Funds to offset the increase. The ATE funds would offset the amount levied for Public Safety funds.
3. Decreasing the increased levy even further to .85 and increasing the amount of ATE funds that would offset the budget dollars.
4. Cutting back on expenditures and leaving no increase on the levy amount. ATE funds would offset the amount levied for Public Safety funds.

Motion by Buffington and seconded by Teel to approve option 3. Motion carried unanimously.

ARPA Funds

Mayor Rodriguez asked the clerk the balance of ARPA Funds, clerk reported the balance of \$62,263. Mayor Rodriguez asked if the council wished to utilize the funds towards businesses as originally suggested. Teel explained that he didn't agree to the idea any longer after consideration. Ferkel said he coincidentally just received bids to replace the pumps for the sewer department to assist with bi-pass during flooding. The current pumps are manufactured in the 1960's. He didn't know if the funds could be used for a purchase of this nature. Rodriguez pointed out that there would need to be multiple bids and asked McCullough what documentation should be kept in the event that bids were requested and not received. Ferkel said that most of the time vendors will just not return his email or phone call. McCullough stated that that is a no answer and not the same as a bid. Ferkel asked if there is a threshold for three bids, and should he get bids before making a gas purchase. Teel said he understands where Ferkel is coming from and sometimes it isn't possible to get three bids, for instance the issues they are having with the band shelter. McCullough said that we need to be able to demonstrate that we are getting the best price for the city. Rodriguez recommended drafting something that would fit our needs.

Nothing to move forward with for ARPA funds.

Fire Hydrants

Ferkel said he had reached out to a vendor but hadn't heard anything back. Teel asked what the cost was for the replacement. Ferkel said three years ago the cost was \$80K, so it is likely that the cost has increased. Teel asked if the remaining ARPA funds would cover the costs of the replacement. Ferkel said he thinks the prices have gone up drastically. Rodriguez commented that Ferkel is still obtaining bids and we could move on.

Safe Building Compliance Agreement

Motion by Teel and seconded by Miller to approve the agreement with Safe Building Compliance. Motion carried unanimously.

Sealcoating

Ferkel explained that he had pricing on the list provided. Rodriguez asked if there were any other quotes. McCullough said that Pelling is pretty much the only local vendor. Teel asked to make sure that the sealcoating was completed during the summer timeframe so that it could properly adhere to the street.

Motion by Teel and seconded by Miller to approve \$63,126 for Pelling to perform the sealcoating. Motion carried unanimously.

Concrete for shelter

Ferkel reported that he hadn't received any bids back for the concrete but that when he was on vacation, he had talked to the shelter company about reviewing the plans prior to the construction. He stated that he had reached out to numerous contractors and hadn't heard back from any of them. He also said that last year with the shortage of concrete and needing to have an account is probably why no one has reached out to him. There are contractors that would do both the assembly and concrete work, but he hasn't received any bids back. Rodriguez asked Ferkel to gather that information and get it to the clerk so that she could forward it to the grant administrator to show them we were moving forward. Ferkel asked if there was a deadline for the extension, Rodriguez said she wanted to stay in good standing with the extension by showing forward movement. Ferkel said he didn't see anywhere in the extension email that we needed to show updates. Rodriguez said she wanted to be upfront with them and provide information.

Selling Kawasaki Mule

Ferkel said he believed it fell on Rodriguez's shoulders. Rodriguez said that per the resolution it was based on price. Ferkel said he estimated it at less than \$1,000. He said it is a 1994, four-wheel drive is broken, front two tires are flat but there are two new tires that will go with it, and at least one of the front wheel bearings are out. The only good thing about the website is that you can see the price and watch it from the end.

Motion by Miller and Seconded by Buffington to accept sealed bids for the mule, due at the next regular meeting May 08, 2023, Ferkel will prepare a posting. Motion carried unanimously.

Fund Play Equipment at Buffalo Elementary

The Student Council came to the Community Development Committee and requested assistance in funding equipment at the school. They presented to Community Development all the fundraising that they have already done with valentine grams, daddy daughter dance, and penny wars. Community Development recommended to the council to spend \$1,000-\$2,000 on play equipment. The clerk explained that she had discussions with the principal after the Community Development meeting and we could still sponsor the GaGa pit. The clerk explained to McCullough the request and that the funds were coming from local option sales tax Community Development fund, and he agreed that if council wished to fund this request, it was acceptable.

Motion by Miller and seconded by Teel to donate \$1,000 to sponsor the GaGa put at the elementary school. Motion carried unanimously.

Tabled Items

Water Tower Painting – No discussion

Motion by Teel and seconded by Moore to remove Nuisance Code – Parking vehicles. Motion carried unanimously.

Motion by Teel and seconded by Miller to remove nuisance code parking vehicles from tabled items and have no further discussion. Motion carried unanimously.

Resolutions

Rodriguez asked McCullough if he had any comments regarding the policy. William explained that the reason for a policy would be to protect the city and benefit the employee. Some of the language that was removed needs to be in the policy so that it's not considered a taxable benefit for the employee. The way that the resolution is written it could be considered a taxable benefit and that isn't up to the council it is an IRS rule.

Ferkel said that he met with the mayor and the issue was from item number 3 that he brings his son to the Park Board meetings because he really enjoys them, and that the mayor thought there may be additional liability for the city with him riding in the vehicle. In regards for permission to take home a different vehicle, he explained that he had pumps and tools in the back of the truck and instead of going back and unloading them and staying later at 11:00 pm, he just took a different truck home to avoid additional overtime. He wasn't sure if he needed to call her at that time or just notify her the following day. Teel said you are the supervisor of that department, so you don't need to notify anyone. Ferkel said he technically has one supervisor; in case someone is splitting hairs. Teel stated to Ferkel you are in charge of your department we have talked about it a thousand times. McCullough stated that there should be some form of communication between the supervisor even if it's via text, just to let someone know where the vehicle is. Miller and Moore agreed shooting a text would be sufficient in these cases. Ferkel suggested they could just take number 5. out of the policy. The council reviewed the changes again. McCullough mentioned again regarding the language as a taxable benefit that would need to be reported on his w2. Miller asked Teel how he handles his take home vehicle, he said he files a W9. Teel stated that he would save everyone time and make a motion and if it failed for lack of a second so be it.

2023-14 Motion by Teel and seconded by Moore to approve the vehicle take home policy. Motion carried unanimously.

Teel stated that further discussion this all started about the vehicle being his office. What was originally discussed with Ferkel is that he lives out of town, and that is not required to live in town, and this was about response time. If Ferkel needed to respond quickly to an emergency, having a city vehicle would allow that. Teel said that for the other public works guys they would be allowed to take it home on the weekends when they are on call. He was unhappy with the process and that it should not be so complicated. Ferkel explained that he is not going to take advantage of his vehicle usage and that he takes his job very professionally.

2023-15 Motion by Moore and seconded by Buffington to set the date for the public hearing for April 28, 2023. Motion carried unanimously.

2023-16 Motion by Buffington and seconded by Moore to table the reliability plan until it can be reviewed. Motion carries unanimously.

2023-17 Motion by Buffington and seconded by Miller approve the Linwood Crossing. Motion carried unanimously.

2023-18 Motion by Teel and seconded by Miller to approve a resolution appointing Dan Mullanack to Planning and Zoning.

Public Works Director provided the following update in the packet:

1. Received our new Kubota rtv1100 with snowplow.
2. Received engineered plans for the park shelter.
3. Plowed a heavy wet snow on 3-25-2023.
4. Removed more brush from salt storage area.
5. Power moped bac gym.
6. Picked up tree limbs from streets and parks from recent storms.
7. Had 90 tons of sand delivered for sand bagging.
8. Performed 2 burials.

9. Repaired flagpole at bcc.

10. Cleaned storm drains.

Buffalo Fire Chief provided a report for the packet.

Spent 92-man hours responding to 31 Emergency calls in March,

23-EMS Calls

- 1- Structure Fire
- 0- Vehicle Fire
- 1- Grass Fire
- 2- Vehicle Accident
- 0- Boat Rescue
- 4- Misc. Calls

89 – Total Emergency Responses for 2023

Training: 6 Members spent 24-man hours doing regular crew duties. 11 members spent 2 hours training on air lifting bags and our new foam nozzle.

Park Board Committee

Working on a couple of projects

Cemetery

The Committee is on hold until spring.

Finance ordinance Committee

No updates

Community Development

No updates

Community Center

No updates

Motion by Teel and seconded by Buffington to extend the meeting 15 mins.

Motion by Miller and seconded by Teel to approve the 3rd reading of Ordinance 552 Electric Disconnects. Motion carried unanimously.

Motion by Miller and seconded by Buffington to approve the 3rd reading of Ordinance 553 Water Disconnects. Motion carried unanimously.

Motion by Miller and seconded by Teel to approve the 3rd reading of Ordinance 554 Sewer Disconnects. Motion carried unanimously.

Motion by Miller and seconded by Teel to approve the 3rd reading of Ordinance 555 related to grass mowing. Motion carried unanimously.

Motion by Teel and seconded by Buffington to approve the 2nd reading of Ordinance 556 related to adding no tents as a place of abode.

Motion by Teel and seconded by Buffington to approve the 2nd reading of Ordinance 557 relating to the discharge of a firearm inside the city limits. Motion, failed due to lack of votes, Buffington – Yes, Miller- No, Moore – Yes, Teel – No.

Motion by Buffington and seconded by Miller to extend the meeting until 8:10pm. Motion carried unanimously.

Motion by Teel, seconded by Miller to approve the 1st reading of Ordinance 558 amending gender references in the code. Motion carried with Buffington voting “no”.

Motion by Teel , seconded by Miller to approve the 1st reading of Ordinance 559 amending nuisance code for duties. Motion carried with Buffington voting “no”.

Future Meetings

Regular Council Meeting May 08, 2023

Park Board Meeting February 22, 2023 @ 6:00pm

Finance Ordinance April 19, 2023 @ 3:00pm

Motion by Buffington Seconded by Moore to adjourn the meeting at 8:10pm

Mayor, Sally Rodriguez

City Clerk, Tanna Leonard

Claims

7G DISTRIBUTING	alcohol	1,123.80
A & A AIR COND & REFRIG	Ice Machine Rental	210.00
ADVANCED Business Systems	printer contract	96.72
Alexis Fire Equipment Company	Fire Truck Purchase	638,460.00
American Industrial Door	fix BAC door lock main door	130.00
ARNOLD MOTOR SUPPLY	def fluid	456.56
BABE'S TERMITE & PEST CONTROL	PEST CONTROL	130.00
Bi-State Regional Commission	member dues	275.00
Brenny's Motorcycle Clinic	utv repair	3,092.91
BRIAN CARSTEN	fuel	44.00
BUFFALO FIRE DEPARTMENT	Derrickson Memorial	50.00
BUJALSKI, JOSHUA	food allowance	14.65
CANADIAN PACIFIC RAILWAY	rairoad pipe crossing	150.00
Central States Funds	HEALTH INSUR.	18,762.40
CERTASITE	service for chlorine	862.25
Buffalo, City of	utilities	628.76
Davenport, City of	indoor firearms range	75.00
Culligan of the Quad Cities	conditioner rental	56.00
Duck Creek Tire & Svc Inc	tires for the explorer	1,153.71

IRS	FED/FICA TAX	15,124.65
Electric Pump	lift station pump replaced	1,765.00
FARMTEK	chlorine parts	221.21
Fletcher-Reinhardt Company	drive on matts for electric	2,423.76
FORTE CREDIT CARD	FEES FOR PROCESSING E CHCK	47.41
Hach Company	operating supplies	524.93
HARSCO	rock for sand storage area	827.27
HAWKINS INC	chlorine	1,620.00
Humane Society of Scott	boarding fees	150.00
IAMU	dues	556.00
IMEG	wwtp engineering	980.00
Interstate Batteries	3 batteries for tanker	518.85
IPERS	IPERS	10,206.91
J&M Displays	fireworks	11,000.00
JOHN DEERE FINANCIAL	trailer jack	89.98
Kiesler Police Supply	ammo	126.20
Kirby Water Conditioning	salt	87.00
MARTIN & WHITACRE	streetscape engineering	44,722.25
McCleary Excavating Co.	hauling sandbagging sand	750.00
McCullough, William	atorney fees	1,503.75
MEDIACOM	phone and internet	2,224.55
MEGHAN MARTIN	BAC cleaning	900.00
MENARDS-Davenport	infinity knob	236.16
MENARDS - MUSCATINE	hook,pick set,degreas	292.18
METERING & TECHNOLOGY SOL	meters	1,134.33
MID AMERICAN	sewer	15,802.34
Midland Scientific Inc	operating supplies	212.67
MOTOROLA SOLUTIONS	2 camera and mobile s	11,125.00
MPH INDUSTRIES, INC	2 standard radar	4,478.00
Panther Uniforms Inc	uniform allowance Dak	211.50
PEPSI	pop	121.60
PILLAR EQUIPMENT	kubota and plow	30,802.00
PS3 Enterprises Inc	handicap	391.00
QC Analytical Services	water operator	1,731.00
QUAD CITY TESTING LAB	testing of electric equipment	860.00
Quad City Times	Mar 13 reg minutes	1,191.24
R.P. LUMBER	toilet fill valve	112.38
Republic Services #400	garbage/recycling	14,691.20
RiverStone Group, Inc	sand bag sand	896.90
Rock River Electric INC	blower motor repair for WWTP	4,226.50
Resale Power Group of Iowa	electric	30,560.35
SAFE BUILDING LLC	inspections	650.00
Treasurer, State Of Iowa	Sales Tax	1,969.37
Scott County Library System	semiannual taxes	23,269.50
SCOTT COUNTY SHERIFF	booking fees	150.00
CARDMEMBER SERVICE	tables	2,386.26
S.J. Smith Company	saw repair	115.02
SKARSHAUG TESTING LAB	lineman gloves	2,349.17

SE National Bank-BUFFALO BR	Service Charges ACH	42.26
Sports Depot Inc	uniforms	1,995.00
Treasurer, State Of Iowa	STATE TAXES	2,406.64
STOPSTICK, LTD	stop stick kit	1,010.00
SUNSET LAW ENFORCEMENT	horn	928.80
TC AUTO	tires for 4"pump	932.88
TOUGH RUGGED LAPTOPS		5,566.66
UNITYPOINT HEALTH	EMR class	968.28
VAN METER	park camera repair	327.99
VERIZON	phones	893.44
Visa	Jerry training wtp	250.47
WEX BANK	fuel	5,359.73
WINSOR GROUP CONSULTING	3phase deposit refund	1,251.96
Zimmer & Francescon Inc	chlorine system repairs	2,201.45
	Accounts Payable Total	936,290.01

001	General Fund	800,152.25
002	Buffalo Days	11,000
006	COMMUNITY CENTER	3,945.92
110	Road Use Tax Fun	2,557.97
147	COMMUNITY DEVELOPMENT	36,308.25
600	Water Utility Fund	12,996.78
610	Sewer Utility Fu	21,819.52
630	Electric Utility	47,507.32
740	Storm Water Util	2.00
	TOTAL FUNDS	936,290.01

Revenues

General Fund \$62,643.68
 Community Center \$3,005.92
 Road use Tax Fund \$7,801.55
 Employee Benefit Fund \$1,740.59
 Local Option Sales Tax Fund \$24,356.22
 Port Security Grant \$95,979.00
 Water Utility Fund \$13,537.69
 Sewer Utility Fund \$17,520.62
 Electric Utility Fund \$56,599.81
 Storm Water \$334.32