

REGULAR CALLED CITY COUNCIL MEETING
Tuesday, February 12, 2019 – 5:00 P.M.
Council Chambers – Denison, Iowa

The first regular City Council Meeting of the City of Denison, Iowa was held pursuant to law on the above date and hour; Mayor Beymer called the meeting to order at 5:00 p.m. with the following members present: GRANZEN, LOESCHEN, MAHRT absent: CURNYN, OKKER

PLEDGE OF ALLEGIANCE Mayor Beymer lead the Pledge of Allegiance.

MOTION TO APPROVE Motion Mahrt/Granzen to approve the agenda.
AGENDA Ayes: 3 Motion carried.

MOTION TO APPROVE Motion Loeschen/Granzen to approve the following items on the
CONSENT AGENDA consent agenda: a) approve and waive the reading of the minutes for 1/24/19; b) approve the bills as presented; c) approve liquor license(s) for El Michoacano and Dollar General; d) approve cash & investment report for January 2019; e) approve tax abatement on the first \$75,000 for 3 years for Greg Hansman new construction at 1422 Ridge Rd. Ayes: 3 Motion carried.

DEPARTMENT HEAD
REPORTS

Schaffer reported police dept. has had routine calls. There are two officers at the academy and one at military leave.

Lechtenberg reported that business at Boulders is steady with 32 new events booked. Their e-newsletter will be out this week. Please like and share their facebook posts.

Walley reported that it has been slow at the library due to the weather. The meeting rooms have held 53 meetings in the last 15 days. She submitted a grant application to the Omaha Foundation to continue digitizing. She is working on finishing the accreditation. There have been crank calls at the library and she reported them to the police dept. She will be doing interviews for the page position soon.

Wiebers reported public works has had a couple of truck break downs but have fixed them in house. The guys will be in at 4:00 a.m. tomorrow to push snow up and then will remove the windrows on Thursday.

Snowgren reported that he has been migrating computer to a new reporting system through the State Fire Marshall's office. Grant has been submitted and the SAFER opens this Fri. Tower 1 and ladder maintenance testing is coming up. Have had the 4th fatality in an accident in the last 4 weeks.

Crawford reported for Kempfert who is in Sioux City at school for two days. Feb. 2nd & Feb. 23rd have home swim meets. Has reviewed quotes to repaint indoor area. Applied for two grants for tot docks and disc golf. The first spring life guard class is coming up. Sign up is open for 3-5 yr old soccer program.

PUBLIC FORUM

Rod Bradley – There is nothing stating that the five-minute limit is statutory and hopes council will let him continue past the five minutes.

PUBLIC FORUM, CONT.

He is here to present truth and evidence, not rumor and innuendo. The regular called city council meeting on Dec. 18th was cancelled less than hour prior to the meeting and the media was notified before administration, approved by council? Who made decision to put employees on leave, approved by council? Cancelled the meeting with such short notice for shock & awe purpose hoping employees would resign, but that didn't happen. Denison has a mayor/council form of government. Denison Code section 15.02 says the mayor is the CEO and may call special meetings. All powers are vested in the council. Council establishes power by motion, resolution or ordinance and is passed by a majority vote of council, based on the number of council members whether present or not. The mayor is authorized to dismiss the fire chief, with council approval. Council has authority to dismiss clerk and manager. Power lies in council, not mayor. Mayor makes appointments with approval of council. Actions were taken without council authority. Mid-December, in an environment with less than full control, the mayor usurped the authority of the council. Dec. 14th BrownWinick sent letter to "Dear Jared, upon which you have authorized..." council approved 7 days later. Invoiced \$5,598.78 from Dec. 13th – 21st, which was half of the Jan. bill, and prior to council hiring the attorneys. City should not be responsible, but rather the person it is addressed to, plus there was \$4,690 billed by Franck & Sextro for a total of \$14,308. This is going to cost \$30,000 to \$40,000 total with nothing to show. These issues started at least one year ago in a 5-hour closed session on Feb. 22, 2018. There was a performance review plan which the mayor and council never followed up on. The fire prop should've been handled internally and the expenses were discussed and approved at an October council meeting. At the Jan. 24th meeting Curnyn says council only touched on 1% - 3 weeks later council still hasn't disclosed to employees, lawyers and citizens the other 99%. There was a time when the local media wouldn't tolerate these issues and hide behind unsigned articles. The Carroll newspaper signs and includes their email address. This all leaves ample room for rumor and gossip to grow. I was with the police dept. for 35 years and have never seen anything handled so poorly. Performance may have risen to a reprimand or unpaid suspension, but never this past two months. Disappointed in agenda item #8 – have you not heard of the 1st amendment – Freedom of Speech? Rather you try to curtail embarrassment of council – too late. Would like to see placed on the next agenda an item to spell out on when a meeting can be cancelled and under who's authority.

Jennifer Zupp – Clients don't feel they have been fully reinstated because there was the chance for council to submit additional questions, so not clear on restriction. Asking to make a motion to fully reinstate.

Denny Fineran – Clearly this has been a witch hunt! Mahrt if roof on union park shelter is an issue, I will help. Curnyn has made statements

PUBLIC FORUM, CONT.

and innuendos – you made mistakes. Crawford, Koch and Snowgren have spent as much to take care of their good names. When I was mayor, I was at City Hall 2-3 days/week and always knew what was going on. Make time to doing better job of being informed. Don't do this ever again – you've hurt 3 good people. Mayor Beymer – young no experience – step down if can't do the job.

Mark Sherinian, attorney for Crawford & Koch. Last meeting posed to council to ask additional questions, but no questions have been submitted. Asking for final resolution tonight to clearly and fully reinstate employees placed on leave with no actions taken against them. Gilliam's recommendations should be considered.

Beth Vogt – Does not pay taxes in Denison but is the head of the Democratic Party in Denison. Vogt attended the meeting on Jan. 24, 2019 to see what all the controversy was about. As the Chairwoman of the Crawford County Democrats felt she should see if the mayor candidate she and her party had supported was within his right to do what he had done. She believes that Fire Chief Snowgren should be fully reinstated because he had no knowledge of what Mr. Crawford and Mrs. Koch were doing. In looking at timesheets for 2018, Koch took time off and there was no vacation shown used on her timesheet. Even though Crawford says he makes every effort to be to work by 8 a.m., but he has a cow/calf operation to tend to, and he stays past 5. Mr. Crawford makes it to work about 10% of the time by 8:00 a.m. and while he makes it to work by 8:30 sometimes, there are many, many times he arrives well after 8:30. Vogt feels that his written reprimand was probably ok. Roof bid for Boulders back in August. Bid code is \$55,000 for quote and have quote from Reisz Construction. Crawford says ins. quote could constitute 2nd quote. There is no evidence of quotes posted in 3 places. Sadly disappointed that the fire prop total of \$56,892.91 was split into separate contractors. It still required quotes but no bid received. Placing on paid leave was acceptable and putting back to work could cause tampering. Encourage and ask council to pay for full report for citizens.

Rod Bradley – Never said don't investigate. However, it takes 3 council, not mayor, and without 3 votes in favor – have nothing. Administrators are not required to produce time sheets and can flex schedule, which has always been allowed. Council requires 2080 hours per year and administrators put in way more time than that.

Mark Sherinian – Ms Vogt, while, I appreciate your enthusiasm, we spent 7 hours with Mr. Gilliam and came to the conclusion there are no time card requirements and they can use flex time. Bidding processes were all clarified. Fire prop structure was \$48,000, the rest of the purchases were consumables and are not part of the bid process. Mr. Gilliam found no illegal conduct or intent.

PUBLIC FORUM, CONT.	<u>Jessica Zupp</u> – Mayor putting people on leave for being fiscally irresponsible. How could the mayor do so without authority? Mayor is being fiscally irresponsible, so doing what accusing employees of doing.
MOTION TO REMOVE THE STIPULATION FROM REINSTATEMENT OF KOCH AND CRAWFORD	Motion Mahrt/Granzen to remove the stipulation from the reinstatement of Lisa Koch and Terry Crawford on January 8, 2019 that they are not to talk to anyone about the areas of investigation. Ayes: 3 Motion carried
MOTION TO AMEND CODE REGARDING CITY MANAGER’S AUTHORITY OVER EMPLOYEES	Motion Granzen/Mahrt to amend code of ordinances, pursuant to Section 372.14, hereby delegating to the City Manager the authority to suspend, investigate and/or discipline any and all employees of the City. Ayes: 3 Motion carried.
DISCUSSION ON ESTABLISHING PERSONEL COMMITTEE WITHIN COUNCIL	Discussion was held on establishing a personnel committee within the council which will have no decision-making authority. Mahrt, Loeschen & Crawford will work on putting together bylaws and bring back to council at the first meeting in May.
MOTION TO APPROVE SPECIAL EVENT PERMIT FOR ST. PATRICK’S DAY PARADE	Motion Mahrt/Loeschen to approve the Special Event Permit Application for St. Patrick’s Day Parade and waive all fees. Ayes: 3 Motion carried.
RESOLUTION #2019-3 SETTING PUBLIC HEARING TO AMEND CODE REGARDING ACCESSORY BUILDINGS	Resolution #2019-3 was introduced setting public hearing for amending Code of Ordinances Chapter 170.05 regarding accessory buildings. Motion Mahrt/Loeschen that Resolution #2019-3 is adopted setting the public hearing for 5:00 p.m. on February 26, 2019. Ayes: 3 Motion carried.
DISCUSSION ON P&Z RECOMMENDATION ON FATS, OILS & GREASE CONTROL IN FOOD ESTABLISHMENTS	Discussion was held on recommendation from P&Z regarding fats, oil and grease control in food establishments. Directed city attorney to bring back an ordinance and resolution setting public hearing.
DISCUSSION ON P&Z RECOMMENDATION ON SIDING REQUIREMENTS	Discussion was held on recommendation from P&Z regarding siding requirements. Directed city attorney to bring back an ordinance and resolution setting public hearing for prohibiting sheet siding.
MAYOR REPORT	Beymer reported that he attended a tourism conference with the chamber last week. Legislative day went well.
CITY MANAGER REPORT	Crawford reported that his written report is in drop box. Mahrt asked Crawford to look at Ave C alley for future repair for parking.
FY19-20 BUDGET PRESENTATION	Koch gave the FY19-20 budget presentation. Council authorized publication with changes discussed and to set the public hearing.

RESOLUTION #2019-4 SETTING Resolution #2019-4 was introduced setting public hearing for FY 19-20
PUBLIC HEARING FOR FY19-20 Budget. Motion Mahrt/Granzen that Resolution #2019-4 is adopted
BUDGET setting the public hearing for 5:00 p.m. on March 5, 2019. Ayes: 3
Motion carried.

There being no further business, the meeting was adjourned at 7:45 p.m.

Signed _____
Jared Beymer, Mayor

ATTEST:

Lisa K. Koch, City Clerk