

REGULAR CALLED CITY COUNCIL MEETING
Tuesday, May 21, 2019 – 5:00 P.M.
Council Chambers – Denison, Iowa

The second 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: CURNYN, GRANZEN, LOESCHEN, OKKER. Absent: MAHRT.

PLEDGE OF ALLEGIANCE	Mayor Beymer lead the Pledge of Allegiance.
MOTION TO APPROVE AGENDA	Motion Curnyn/Okker to approve the agenda. Ayes: 4 Motion carried.
MOTION TO APPROVE CONSENT AGENDA	Motion Loeschen/Curnyn to approve the following items on the consent agenda: a) approve and waive the reading of the minutes for 5/7/19; b) approve the bills as presented; c) approve cash and activity reports for April 2019; d) approve budget report for April 2019; e) approve Resolution #2019-18 transferring funds from LOST; f) approve Resolution #2019-19 transferring funds from RUT; g) approve Resolution #2019-20 transferring funds from TIF. Ayes: 4 Motion carried.
PUBLIC HEARING ON FY18-19 BUDGET AMENDMENT	5:00 p.m. Public Hearing on FY 18-19 Budget Amendment. There were no written or oral objections. Mayor Beymer declared the hearing closed.
PUBLIC FORUM	None.
NATIONAL FOSTER CARE MONTH PROCLAMATION	Mayor Beymer presented and read the proclamation declaring May as National Foster Care Month.
DISCUSSION ON CHRISTMAS LIGHTS	Pam Soseman led the discussion on Christmas lights by addressing the lack of Christmas décor in Denison. At the January or February merchant's meeting there was a request for more decorations. She contacted the Christmas Committee, where Mayor Beymer told her there is \$5,000 earmarked in the budget as of July 1 for décor. The first phase of the Christmas Committee were the banners (paid for by businesses) and snowflakes that were purchased last year. Phase two is what is being presented tonight consisting of lighted garland, there are three quotes. There will be a tourism event coming up, a winterfest, where they want to light up Denison and all 60 poles. The first company listed lowered their quote by \$1,000 when they found out two other quotes would be needed. Currently there is \$460.67 left over from last year. She spoke with the RAGBRAI executive committee regarding their efforts and they have granted \$1,000. They are also looking at possibly putting décor in the nodes, snowflakes most likely, this would be phase 3 of their project. The committee will solicit various business for new lights on top of the buildings uptown. Also looking to put lights on the

trunks of trees in the nodes. She is asking Council for their blessing to move forward with purchasing the lighted garland from the \$5,000 set aside in the budget for décor. It was agreed that it could be ordered now, but they would not bill until after July 1st. Consensus of the council was to go ahead with the purchase of the décor.

MOTION TO APPOINT JILL
GRAEVE TO BOULDERS
CONFERENCE CENTER BOARD

Motion Curnyn/Granzen to appoint Jill Graeve to Boulders Conference Center Board to replace Julie Downing. Ayes: 4 Motion carried.

RESOLUTION #2019-21
ADOPTING BUDGET
AMENDMENT FOR FY 18-19

Resolution #2019-21 was introduced adopting the budget amendment for FY 18-19. Motion Granzen/Okker that Resolution #2019-21 is adopted. Ayes: 4 Motion carried.

RESOLUTION #2019-22
APPROVING CONTRACT AND
BOND FOR 2019 STREET
IMPROVEMENTS

Resolution #2019-22 was introduced approving contract and bond for 2019 Street Improvements. Motion Granzen/Curnyn that Resolution #2019-22 is adopted. Ayes: 4 Motion carried.

MOTION TO APPROVE
CHANGE ORDER #1 FOR 2019
STREET IMPROVEMENTS

Motion Loeschen/Curnyn to approve Change Order #1 for 2019 Street Improvements. Ayes: 4 Motion carried.

MOTION TO PURCHASE 2017
DODGE JOURNEY

Motion Curnyn/Okker to purchase 2017 Dodge Journey Crossroad Plus for \$17,900 from Team Auto Group. Ayes: 4 Motion carried.

UPDATE ON JOB DESCRIPTIONS

Crawford updated Council that Koch is working on collecting all job descriptions and will begin putting them in dropbox for their review. This came as a recommendation from Gilliam.

DISCUSSION ON GILLIAM LAW
OFFICE INVOICES

Granzen is still against paying for the invoices from Gilliam Law Offices. The contract (BrownWinick) Council agreed to didn't include this. This is the debt of the Mayor because he didn't give a valid contract to Council. There are two different contracts. The contract agreed to had Jared's name listed not "Mayor", so he believes legally Jared is liable to pay for these.

George stated the contract mentions the client as "The City of Denison" and the Mayor signed as a representative of the City. Both contracts have a provision that state certain large expenses of the BrownWinick Law Firm related to the investigation can be forwarded directly to the City for payment, which is what happened in this case.

Granzen said this expense was billed to BrownWinick, not the City, so BrownWinick should in turn send a bill to the City.

Loeschen asked George if the contract stated that they would be billing us directly for this particular firm. George said no, large expenses would be forwarded.

Granzen said the second contract mentioned hiring an investigator, the first one said nothing about an investigator.

Jean Heiden spoke asking George, in his opinion, which contract he felt was actually valid.

George stated he didn't have an opinion, but essentially, they were the same contract. This was an inadvertent series of events. There were only minor differences in the contract, but both contracts said large expenses incurred by the BrownWinick Law Firm would be billed to the City.

Heiden asked if we can pay a bill that's not specifically addressed to the City?

George stated that that was not an issue he's concerned about.

Granzen said it is bad practice to pay bills not addressed to the City.

George said he believed BrownWinick was going to send a letter to Koch regarding the invoices, that even though they were addressed to BrownWinick that they were being forwarded to the City for payment pursuant to the contract.

Crawford said he didn't believe Lisa has received that letter yet.

George recommended at this point to table the item to the next meeting.

Loeschen stated he believed they needed to table this until more information can be gathered. Granzen agreed.

MAYOR REPORT

None.

CITY MANAGER REPORT

Crawford reported that Public Works Maintenance Worker II applications were received, there were 5 or 6. They are currently screening those down to 3 or 4, interviews will begin the 2nd week of June. He's working on the traffic safety improvement program, there are many signals that need upgrades for controls and wiring. From East to West our poles go from bad to best. Wiring is starting to pale as our poles are very old, typically 30 years is the lifespan and ours are around 40 years old. General Traffic Controls is working on getting estimates so a grant can be submitted by August to help pay for this project. The shelving problem at the new Morningside shelter house will be solved by this weekend. Jeff Shupe with JobCorps will be working to get the laminate completed. Still working on pulling together information for the flood damage, trying to qualify for reimbursement by FEMA. On housing, Brian Ettleman will now be the 7th member on the board, 3 of which will consist of bankers. Steve Eggleston with HUD wants to have a meeting on June 19th at 10 a.m. at City Hall, he will bring other representatives from HUD and we will invite a number of people to attend. The Hungry Canyons Project, involving a large ravine near N Avenue and Arrowhead Road, utilities partially filled this in because they

didn't want their cables exposed. Bids were taken for this project. Canyons Alliance are putting up \$9,000 as a grant for this project. There were 3 plan holders, but only one bid was received by Jeff Krohnke for \$14,445. That leaves \$5,445 to split between the City and DMU. Working on getting a pre-construction meeting scheduled with Ten Point Construction for the North 10th Street project. We have been getting quite a few questions regarding this project and when it will start. This is a DOT controlled project and they don't technically have to begin until September; however, Ten Point is hoping to begin by August.

Beymer asked how much the weather will set back the current Highway 30 project. Crawford responded that it is a DOT controlled project, they are working on sealing joints. Nemitz said in talking with the inspector that they had hoped to be done this week, but most likely will be next week now. Crawford asked that people please bear with the project. Also, please call if cones get knocked down so they can get put back up accordingly.

MOTION TO ENTER INTO
CLOSED SESSION PURSUANT
TO IOWA CODE SECTION
21.5(1)(C)

Motion Curnyn/Loeschen to enter into closed session at 5:37 p.m. pursuant to Iowa Code Section 21.5(1)(c) to discuss strategy with counsel in matters that are presently in litigation. Ayes: 4 Motion carried.

RETURN TO OPEN SESSION

Returned to open session at 6:17 p.m. with no action taken in closed session.

There being no further business, the meeting was adjourned at 6:17 p.m.

Signed _____
Jared Beymer, Mayor

ATTEST:

Terra Sell, Deputy City Clerk