

REGULAR CALLED CITY COUNCIL MEETING

Tuesday, April 2, 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, MAHRT, OKKER

Mayor Beymer lead the Pledge of Allegiance.

Motion Mahrt/Curnyn to approve the agenda. Ayes: 5 Motion carried.

Motion Loeschen/Mahrt to approve the following items on the consent agenda: a) approve and waive the reading of the minutes for 3/19/19; b) approve the bills as presented; c) approve liquor license(s) for Hy-Vee Grocery Store. Ayes: 5 Motion carried.

Dept. head reports: Walley reported that the meeting room usage at the library continues to be steady and reminded public you can reserve it at no cost. Programming continues and the Friends of the Library are holding their White Elephant sale on Sat. from 9-1. Next week is National Library week and there is staff training on Fri., April 12<sup>th</sup>, so the Library will be closed. The Library received \$2,500 grant from the Omaha Foundation to continue digitizing newspapers. Walley spoke with Crawford about the process to begin the foundation repairs. Kempfert reported that he attended the IA Parks & Rec Spring Conference last week. Just wrapped up a life guard training class and another one will be starting Sunday. Winter volleyball finished last Sun. and soccer will begin this Sun., weather permitting. Schaffer reported that Mar. 15<sup>th</sup> was FFA tractor day and 16<sup>th</sup> was the St. Patrick's Day parade. Wiebers reported that public works has used three truckloads of cold mix filling potholes and the street sweeper has been running every day. The Yard Waste Site has been chipped. Wiebers informed council that they had an employee give their two-week notice. Lechtenberg reported that Boulders held the Our Savior father-daughter dance this past weekend. They have booked 35 events since last week. The proshop had some flooding due to a low spot in front of the door so will be getting quotes to repair. They are also getting quotes to replace light bulbs upstairs.

Public Forum: Rod Bradley commended Public Works for the work completed in the alleys. He also commended Boulders for the job they did hosting the comedy club. He apologized for his conduct and allowing his emotions to get the best of him at the last meeting. He has two issues to discuss. It has become apparent over the last four months that there is one constant in making bad decision after bad decision, with little or no authority or input from council. Many of these decisions rest on the shoulders of Mr. Beymer. From suspending three managers without notice, as is required per city policy, cancelling a duly called council meeting with little or no input from council members, entering into contracts and making other expenditures without council approval, installing remote access software on city computers and remotely accessing the city server, and then refusing to admit what he did was wrong. It has become apparent that has not, and cannot, live up to the duties of office of Mayor. For these and many, many more reasons that have happened through this continued debacle, he is compelled to publicly request that Beymer resign from office of Mayor. The second issue surrounds email sent to council regarding the city attorney. It is apparent that Mr. D.R. Franck is the duly appointed attorney and was appointed by motion on July 16, 1982. There is nothing in the ordinances that allows an attorney to appoint or delegate another to act in his stead. Bradley has not been able to find anywhere where anyone else has been appointed or given the authority to be City attorney. Under what authority has Mr. Blazek acted in the stead of the duly appointed City attorney? This is a violation of city ordinances and he respectfully requests council to direct Mr. Blazek to vacate his seat at the table.

Denny Fineran asked the Mayor if he has looked at what he has done and do you still think you are right? Any remorse in actions whatsoever because at last meeting he reminded Denny of a juvenile. Have you turned the key in? Tax payers can't fix your mistakes by putting up cameras. Fineran presented petitions with 375 signatures to remove the mayor from office. At election, your vote count was 288, so there are more people wanting you gone than voted you in. Mayor and council, three of you lead people around using half truths and innuendoes. Vote your own mind, do own research, don't let other people do the work, make up your own mind. Fineran is asking everyone, expect Mayor, to re-run for office whether your term is up or not and let the people vote to see if they want you back.

Jean Heiden said we've asked all these questions and made all these points, what are we supposed to do? Are we supposed to just move on and brush everything under the rug? When questions are asked, doesn't council feel like you need to answer and not blow everybody off? Not going to go away without any discussions. Mahrt replied that we need to quit re-opening wounds. Mahrt says there have been a lot of mistakes made and he is just as much party to it, he didn't do anything to stop it. We need to admit we made mistakes and he feels council did that on Jan. 21<sup>st</sup> when council said we are stopping this and we are not moving anything farther forward.

Rod Bradley replied look at the list I emailed you and see how many more mistakes have been made since then, even up until last week. Thank you Mahrt for taking ownership and responsibility.

Jean Heiden said we want everyone to apologize. She was shocked to see Beymer called the attorneys three times on Jan. 28<sup>th</sup> after everything was ended. Jared are you sorry at all?

Blazek told council that they are not obligated to respond, but can if they want.

Granzen said we should because these are people we are taking care of and this won't go away until people are held accountable. Bradley said you were going to release three employees. Bradley & Granzen together said for less than what Beymer and council have done.

Heiden was on council for 10 ½ yrs and never told not to speak back to community.

Blazek replied there is a pending defamation claim against the City so council has to be careful what they say.

Heiden said if council had at least discussed the bills, we would feel better. Can't brush under rug and just move on.

Granzen said people need to take accountability for what they did.

Fineran said City can't heal unless someone says we are going to do something. I asked question, not related to lawsuit earlier, Mayor did you turn in the key? Beymer – yes. Fineran said these are things we need to know.

Loeschen told Fineran he was going to answer that question earlier, but he was interrupted. He agrees with Nathan that a lot of decisions were made that were mistakes.

Fineran this can't get better until something is done to show a positive spin. All he sees in newspaper is it's over, no follow up questions, nothing. Taxpayers want to know are we going to get to the bottom of this and not have it happen again? That's why brought the petitions. Council needs to be held accountable.

Bradley sent, over a month ago, a suggestion on how to put this to rest. All you had to do was say my bad, give a mea culpa, draw a line in the sand, but instead you get out the shovels and keep digging right up to last week and we are still digging.

Loeschen said he agrees with Mahrt that they admitted they made a mistake and voted to end it.

Bradley replied Mr. Loeschen at the last council meeting questions were asked of the Mayor by citizens and council. Mayor said he had done absolutely nothing wrong and he has spent, to date, over \$72,000. Council did end it, but people continue acting against what council says and need to take control -- stop it, shut it down. Do not allow this to go any further, we've had enough. Who would've ever believed that a petition would come before council asking Mayor to rescuse himself? Bradley is asking council to take action.

Granzen said we have violated many of our ordinances. As one council person, I've had enough. Council needs to step up, sanction the Mayor, take all his powers away, do whatever we can do to make sure he can't do any more damage than what he has done.

Mahrt said Mayor doesn't have any more than state allows him and we can't go above the state.

Blazek said there was an ordinance that was tabled to delegate supervisory powers away from the Mayor and give them to the City Manager.

Granzen said we need to get right on that ordinance and also not allow the Mayor to travel anywhere anymore.

Patricia Swanson said she agrees with John. It is bad when you travel around and people ask what is wrong with Denison? She is ashamed of the Mayor.

Heiden asked is it possible to restrict the mayor from calling attorney at will? Asked Beymer if he realized every time he calls the attorney, it costs the tax payers money? Beymer said yes. We need to control who can call the city attorney and for what. We have already amended our budget once for attorney fees.

Blazek said what will also show up on the next bill is that he has been spending time on public record requests that Bradley has been sending. Bradley replied Blazek wouldn't be spending all that time if he allowed the lawful custodian of the records to do her job.

Loeschen told Blazek not to say anything. We have chastised the city clerk because of things she was saying in a council meeting, don't need an additional person at this table doing the same thing.

Mark Sherinian, attorney for Koch & Crawford, said there doesn't seem to be a sense of moral authority to say no when something needs to stop. He left Denison two weeks ago thinking investigation was over and then got a call Fri. saying there was an attempt to suspend one of his clients again. This issue will come up later in the meeting. The Mayor and City Attorney caused another issue to be investigated. The City Attorney sent a letter and caused a huge uproar that led to trying to suspend my client again. That didn't happen, it was shut down, and that is the moral authority that needs to be exercised, but it should've been exercised by Mr. Blazek. Blazek should've said Mr. Mayor enough. If there had been an attorney that truly had the respect of the Mayor and simply wasn't being manipulated by him the whole issue would've been shut down and handled discreetly. Instead my client was again threatened with suspension. Council needs to recognize there is one attempt after another to destroy an incredible public servant and it has to stop.

Bradley asked is council going to take up either of his recommendations, because you are in violation of City Ordinances.

Blazek asked Bradley what he was requesting. Bradley said that you be removed from table, you are not the City Attorney. You are acting in his stead and Rick has not been at a meeting for 10 months. Blazek replied that Rick was appointed in 1982 and that Blazek is the asst. City Attorney. He has an attorney relationship with the City. There are cities all over the state that have another attorney in the firm sit in for the City Attorney from time to time. Bradley said not arguing that there has been a relationship fostered with Blazek but D.R. Franck is attorney. Blazek has attended council meetings for over 10 months in Franck's stead with no authority under city ordinances.

Granzen said we need to put it on the next agenda. Loeschen said that he thinks council can take care of it in this meeting because there is an ordinance that allows them to temporarily appoint a city attorney but he thinks it needs to be studied who that is going to be. Blazek suggested council not do that because it is not on the agenda. Blazek said he and Franck were blindsided by this and he didn't expect to come to meeting to be publicly asked to be removed from a meeting. Blazek said the City attorney serves at the pleasure of the city council and have no expectation for continued employment and they have no sense of entitlement to it.

Pastor Torres agrees with people that are voicing their opinions. He said council members seem very quiet and he would like to see their input. He has some concerns and that is why he has been attending meetings. The public are the ones who put you in office. We'd like to hear what you have to say, that's why we are here.

Resolution #2019-13 was introduced awarding contract for 2019 HMA resurfacing N. 10<sup>th</sup>. Motion Granzen/Curnyn that Resolution #2019-13 is adopted. Ayes: 5 Motion carried.

Resolution #2019-14 was introduced approving plans, specs, form of contract, estimate of costs and setting public hearing and letting for 2019 Street Improvements. Motion Granzen/Loeschen that Resolution #2019-14 is adopted setting the public hearing for May 7, 2019 at 5:00 p.m. Ayes: 5 Motion carried.

Discussed establishing a policy for guidelines for preparing agendas. Consensus was to direct City Attorney to amend the code of ordinances to include guidelines for council agenda .

Ordinance #1499 was introduced amending code of ordinances establishing Chapter 96, for fats, oil and grease control for food service establishments. Motion Granzen/Curnyn to waive the 3<sup>rd</sup> reading. Ayes: 5 Motion carried. Motion Curnyn/Gransen that Ordinance #1499 is adopted. Ayes: 5 Motion carried.

Motion Mahrt/Gransen to direct the city attorney to draft an amendment to the code of ordinances to add the appointment to the 911 board to the list of mayor appointments to be approved by council. Ayes: 5 Motion carried.

Motion Granzen/Okker to approve the RFP for the general mowing contract. Ayes: 5 Motion carried.

Discussed installing cameras at City Hall. Council would like a couple more quotes. No action taken.

Tabled the discussion on time clocks.

Mayor Report – None

City Manager Report – Crawford reported that Job Corps is working to have the Morningside shelter house completed to be open on May 1<sup>st</sup>. Crawford reported that the flood event exposed a few weak

points in the flood monitoring system. We need to look for a flood control employee. The flood committee has been meeting and are discussing possibly needing to add two sites, plus some of the equipment is outdated. He will keep working with the committee.

Motion Curnyn/Okker to enter closed session per IA Code 21.5(1)(c) to discuss strategy with counsel in matters that are presently in litigation or where litigation is imminent where its disclosure would be likely to prejudice or disadvantage the position of the governmental body in that litigation. Ayes: 3 Nays: Loeschen, Granzen. Motion failed.

Motion Loeschen/Granzen to approve insurance policy with Travelers Insurance. Ayes: 4 Nays: Curnyn Motion carried.

There being no further business, the meeting was adjourned at 6:28 p.m.

Signed \_\_\_\_\_  
Jared Beymer, Mayor

ATTEST:

\_\_\_\_\_  
Lisa K. Koch, City Clerk