

REGULAR CALLED CITY COUNCIL MEETING

Tuesday, March 19, 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 Loeschchen/Mahrt to approve the agenda. Ayes: 5 Motion carried.

Motion Loeschchen/Curnyn to approve the following items on the consent agenda: a) approve and waive the reading of the minutes for 3/5/19; b) approve the bills as presented; c) approve cash & activity reports for Feb. 2019; d) approve budget report for Feb. 2019; e) approve liquor license(s) for Crawford County Racers Assoc. Ayes: 5 Motion carried.

5:00 Public Hearing on amending Code of Ordinances, Chapter 170.05 regarding accessory buildings. There were no written or oral objections. Mayor Beymer declared the hearing closed.

5:00 Public Hearing on amending FY 18-19 Budget. There were no written or oral objections. Mayor Beymer declared the hearing closed.

5:00 Public Hearing on amending Code of Ordinances – siding requirements. There were no written or oral objections. Mayor Beymer declared the hearing closed.

5:00 Public Hearing on 2019 HMA resurfacing – N. 10th. There were no written or oral objections. Mayor Beymer declared the hearing closed.

Public Forum: None

Discussion was held on the questions and answers submitted to and received from Gilliam. Consensus was council was satisfied with the questions and answers so the investigation is over and there would be no more questions submitted.

Motion Loeschchen/Granzen to end all expenses associated with the investigation. Ayes: 5 Motion carried.

Discussed spending authority of the Mayor. Granzen said after the last council meeting, he had several citizens tell him he didn't go far enough in discussing that the Mayor has no spending authority. Granzen referred to a \$4,500 invoice for the dog park that the mayor authorized and an invoice from LaPrensa that he had changed the scope of the ad which increased the cost. Granzen pointed out that the Mayor had spent over \$5,000 with BrownWinick before council had ever approved a contract and went to a conference with the CDC without approval. Mahrt said any training or conference the mayor wants to attend needs to be approved by council prior to the training. Granzen asked the mayor if he clearly understood, he had no spending authority without the approval of council. Beymer said he understood.

Motion Curnyn/Okker to establish a policy that the mayor always has authority to put items on the council agenda. It will take 2 council members to add an agenda item and 2 council members to remove an agenda item. The deadline for putting anything on the agenda will be noon on the Friday before the meeting. Ayes: 5 Motion carried

Discussion on IT report. Granzen asked if everyone had read the report and who was upset. Consensus was council was not happy. Granzen asked with the investigation going on where did mayor feel he had the authority to go on the city server to install software to access remotely? Do you realize that anything you would've found would've been unusable? Mahrt asked Beymer if he thought what he did was wrong? Beymer – no because employee asked for help. Beymer said Terra asked to have team viewer installed on her computer. Mahrt asked if Beymer thought it was his place? Beymer said yes, he was doing city business. Granzen said should not be installing software that even the IT person knows nothing about. Beymer replied Rod Bradley is not an employee and doesn't take care of IT. Rod replied that he was a contractor hired to give advice on protecting the system from attacks. Mr. Mayor, you thinking it is ok to install items to on city computers is ludicrous. Mahrt told Beymer he had crossed a line going onto the server as an elected official. Beymer said he did that to change Terra's password. Rod said Beymer says he doesn't like to use RDP and that is why he installed Team Viewer on Terra's computer, but then Beymer actually went through Team View to RDP to access the server between the hours of 11 p.m. and 1 a.m. Beymer said Terra called him around 9ish and asked him to install it, so he went at 11 p.m. Granzen asked why Terra needed password changed. Beymer said because employees that had been on leave were returning to work. Rod asked why City Clerk – direct supervisor – didn't know the password had been changed. Why were the managers unaware. Beymer said Rod could've asked Terra. Rod said too many people knew the administrator password and that is how the server was accessed and team viewer installed. Rod said Beymer installed software on city computers that should've never been installed. Beymer ask who deems it shouldn't be installed. Rod said the city has a policy that says employees can't do what Beymer did. Granzen said if an employee had done that, it would be a fireable offense. Loeschen asked why Lisa didn't know as Terra's supervisor and City Clerk. Beymer said the employee didn't want to alert her. Granzen said that is being insubordinate. Granzen said we need to talk to Terra and discuss her involvement and Beymer said let's do it. Mike Schrum said it was against any good business practice anywhere to install software on an employer's computer. Rod said if any employee had done this at P.D. when he was there, they would've been summarily dismissed. Granzen said it is not Beymer's job. Granzen asked Beymer why he asked for Terry and Lisa's password when he put them on leave. Beymer said needed access to the computers. Jean Heiden said council needs to take the key back to city hall. Mahrt asked Beymer to hand in the key so there is no question. Terry or Lisa can let Beymer in anytime he needs in after hours. Loeschen said under normal circumstances he thinks its appropriate for the mayor to have a key. However, these are not normal circumstances and agrees with Mahrt that Beymer needs to turn the key in. Mahrt said he would be willing to leave it up to the mayor to do the right thing. Granzen said he thinks they key should be turned in until cameras are installed. Beymer agreed to do that. Granzen said the IT company or IT person should be the only one to put anything on the server. Granzen wants to set up a meeting with Terra to discuss her role.

Discussion on contract with Brown/Winick. Granzen asked if council read Rod's report. Asked Beymer why the contract in drop box was dated Dec. 14th that council approved on Dec. 21st? Beymer said he uploaded the wrong version of the contract, that was a draft. Rod Bradley said he had sent a report, as a private citizen, to City Manager, Crawford, with the discrepancies regarding the contract. Why did it take a citizen to realize there were 2 different contracts? The contract that council approved in drop box on Dec. 14th is not the same as the contract that Beymer signed on Dec. 23rd. Rod says Council doesn't have a contract. Bradley said Beymer didn't have the contract dated the 21st, and signed by Beymer on the 23rd, until after the council meeting. BrownWinick worked with Beymer for 3.75 hours on Dec. 21st drawing up the contract after council had approved the one dated Dec. 14th. There were significant changes to the contract dated Dec. 14th, that was originally in drop box and approved by council, to the one dated Dec. 21st...the scope of the contract changed. Granzen asked Beymer why they didn't have the contract dated the 21st available at the council meeting. Granzen said Beymer knew about the changes but didn't inform council, which he should've done as soon as he realized council had approved the wrong copy. Beymer said he didn't realize it was the wrong one, but he did have the

correct contract. Rod said council met at 7:30 a.m. on the 21st and the contract was loaded to drop box at 9:30 p.m. on the 20th. When did they work on contract, 3:00 a.m.? Rod said you didn't have it because you didn't work on it until the 21st, the day of the meeting. Beymer said he would have to look at the bill. Motion Granzen/Loeschen to terminate the contract with BrownWinick. Ayes: 5 Motion carried.

Ordinance #1496 was introduced amending the code of ordinances by amending Chapter 170.05 regarding accessory buildings. Motion Loeschen/Mahrt to waive the 2nd & 3rd readings. Ayes: 5 Motion carried. Motion Loeschen/Okker that Ordinance #1496 is adopted. Ayes: 5 Motion carried.

Ordinance #1497 was introduced amending the code of ordinances by amending Chapter 155 regarding siding requirements. Motion Curnyn/Okker to waive the 2nd & 3rd readings. Ayes: 5 Motion carried. Motion Granzen/Curnyn that Ordinance #1497 is adopted. Ayes: 5 Motion carried.

Resolution #2019-11 was introduced amending FY 18-19 budget. Motion Granzen/Mahrt that Resolution #2019-11 is adopted. Ayes: 5 Motion carried.

Resolution #2019-12 was introduced adopting plans, specs & form of contract for 2019 HMA resurfacing N. 10th. Motion Granzen/Mahrt that Resolution #2019-12 is adopted. Ayes: 5 Motion carried.

Ordinance #1498 was introduced amending the code of ordinances by amending Chapter 17 to give city council sole authority to cancel meetings. Mahrt/Loeschen to waive the 2nd & 3rd readings. Ayes: 5 Motion carried. Motion Loeschen/Mahrt that Ordinance #1498 is adopted. Ayes: 5 Motion carried.

Introduced ordinance amending code of ordinances establishing an ordinance for fats, oil and grease control for food service establishments. Motion Mahrt/Curnyn to adopt the 1st reading. Ayes: 5 Motion carried.

Mayor Report – Beymer reported he attended a meeting with Dept. of Cultural Affairs and the Iowa Community of Latino Affairs meeting at the Library.

City Manager Report – Crawford report that he is working on plans for 2019 streets. Crawford and Mahrt attended DMU meeting last night to see if they would participate by installing the utilities. Crawford is working with Wiebers & Nemitz on getting quotes for patching projects. Meeting with Curnyn tomorrow to see how this process lines up with the procurement policy.

There being no further business, the meeting was adjourned at 6:15 p.m.

Signed _____
Jared Beymer, Mayor

ATTEST:

Lisa K. Koch, City Clerk