

Governmental Body: Winterset City Council

Date of Meeting: April 4, 2016

Time of Meeting: 7:00 PM

Place of Meeting: City Hall

PUBLIC NOTICE IS HEREBY GIVEN that the above-mentioned governmental body will meet at the date, time and place above set out. The tentative agenda for said meeting is as follows:

AGENDA:

- 7:00 1. Call to order, Pledge of Allegiance, roll call, adopt agenda
- 7:00 2. Reports from City Boards & Departments
- 7:20 3. Appeal of Chris Fairholm Fire Dept. disciplinary action
- 7:30 4. 8th Avenue Improvement Project
- 7:40 5. City Boards & Commissions membership
- 7:50 6. Set hearing date for FY 2015-16 Budget amendment
- 8:00 7. Administrator report
- 8:10 8. Claims
- 8:15 9. Minutes March 21st meeting
- 8:20 10. Public comment
- 8:25 11. Adjournment

This notice is given pursuant to Chapter 28A, Code of Iowa and the local rules of said governmental body.

DATE POSTED: March 31, 2016

BY: \_\_\_\_\_

Title: City Administrator

City Council of the City of Winterset, Iowa met in regular session on April 4, 2016 in accordance with the above Notice and Call of Public meeting. The meeting was called to order by Mayor James C. Olson with the following members of the Council in attendance:

PRESENT: Mike Fletcher, Howard Harrell, Philip Macumber, Edmund Seaward, Scott Stover

ABSENT: None

The Mayor first recognized students from high school government class who were in attendance at the meeting, including Burke Lanhorn and Ryan Hinsch. The Mayor thanked these students for attending tonight's Council meeting.

The Mayor suggested that the appeal of Chris Fairholm be moved further down the agenda because of the possibility that the Council would go into closed session. A motion was then made by Council Member Macumber to approve the revised agenda. The motion was seconded by Council Member Fletcher. Roll call vote:

AYES: Macumber, Stover, Fletcher, Harrell

NAYS: None

Whereupon the Mayor declared that the motion carried.

The Mayor stated that the Council would first hear reports from the different City Boards & Departments. The Mayor recognized Nancy Trask and asked for a report from the Library Board. Ms. Trask presented copies of the recent Library Board minutes and list of claims. She also presented a report discussing activities that were on going at the Library. She stated that the Library had planned a number of activities for school students during spring break and she was quite pleased with the attendance

The Mayor recognized John Pletchette and asked for a report from the Park & Recreation Commission. Mr. Pletchette stated that the annual program guide has been completed. He stated that over 2,000 will be mailed to Winterset residents later this week.

He stated that the dog park committee and the skate park committee continue to work on their fundraising activities. He stated that the Iowa CAT grant committee will be holding their monthly meeting in May in Winterset.

Mr. Pletchette stated that the season for the Aquatic Center will be from May 28<sup>th</sup> to August 19<sup>th</sup>. Mr. Pletchette stated that they started a new program with Adel and Indianola this year that would allow someone with a family pass entry at any of these three aquatic centers. He stated that the program would start after the first of July.

The Mayor then called for a report from the Fire Department. Assistant Fire Chief, Jeff Johnston, addressed the Mayor and Council Members. He presented a written report listing the activities of the Fire Department during this past month. He also discussed a recent house fire that occurred in a rural area north of Winterset.

The Mayor called upon Police Chief, Ken Burk to present his report at this time. Chief Burk presented a written report to the Mayor and Council Members and briefly discussed several of the items in his report. He stated that the Police Department now has access to the various security cameras around the community, including the ones at the Schools. He stated that these cameras can be viewed from inside the Police patrol cars.

The Mayor then called for a report from the Airport Authority. Greg Harrison from the Airport Authority Board stated that the process for acquiring additional property around the Airport is proceeding.

The Mayor then called upon the Administrator to report on the 8<sup>th</sup> Avenue Improvement Project. The Administrator stated that the Project Engineer has provided a preliminary cost estimate and several options need to be discussed further. He stated that one option to consider is how much paving should be installed along 8<sup>th</sup> Avenue. He stated that the project could include only paving beside the apartment project, or could include a special assessment against the property to the north. The consensus of the Council was to include only the paving adjacent to the apartment complex. The Administrator stated that another concern is the amount of storm sewer that would be installed. He stated that the Project Engineer included over 1,000' of storm sewer, but had stated that this length could be shortened. He also suggested that the storm sewer cost would have to be financed through other funds. He stated that our Bond Counsel recommended that the storm sewer project be funded with the City's LMI set aside fund because this is benefiting a low and moderate income housing project.

The Mayor stated that the next item on the agenda is to discuss City Boards and Commissions membership. The City Administrator presented copies of the membership qualifications for the various City Boards. He stated that in most cases, a requirement was that the person appointed to the Board be a resident of the City although, in some cases the person could be a resident of the County. He stated that the Planning & Zoning Commission provides for up to two members to reside outside of the City limits but within the two mile planning jurisdiction. Park & Recreation Director, John Pletchette stated that two of his Board Members have recently moved out of the City. He suggested that the City Council consider allowing members to reside within the area of the Winterset Community School District. The Mayor suggested that the Council Members consider these ideas and be prepared to give direction to the staff at the next Council meeting.

The Mayor called for report on the budget amendment. The Administrator stated that the budget should be amended for the current year, and suggested that the budget amendment hearing be held at the May 2<sup>nd</sup> City Council meeting. Following brief discussion, a motion was made by Council Member Seaward and seconded by Council Member Stover to adopt the following resolution. Roll call vote:

AYES: Macumber, Seaward, Stover, Fletcher, Harrell

NAYS: None

Whereupon the Mayor declared that the following resolution was duly adopted.

RESOLUTION NO. 2016-39

RESOLUTION SETTING DATE FOR HEARING  
ON FISCAL YEAR 2015-16 BUDGET AMENDMENT

**BE IT RESOLVED** by the City Council of the City of Winterset, Iowa that a public hearing on a proposal to amend the budget for FY 2015-16 be held on May 2, 2016.

**BE IT FURTHER RESOLVED** that the City Administrator is hereby authorized and directed to cause notice of this public hearing to be published in a timely manner.

Passed and approved this 4th day of April, 2016.

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James C. Olson, Mayor

ATTEST:

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Mark Nitchals, City Administrator

The Mayor called for the Administrator to present his report at this time. The Administrator reported that he and the Street Commissioner recently sat through a meeting which was an attempt to settle worker comp and employment issues for an employee in the Street Department. He stated that also at the meeting was the attorney hired by EMC Insurance and a representative from the workers comp division of EMC Insurance Companies. He stated that a mediator went back and forth between the employee's attorney and the EMC attorney. He stated that after about 3 hours of discussions, no settlement was reached, but the two sides agreed to present proposals by phone or email. He stated that there is a hearing scheduled before the Iowa Workers' Compensation Commission in June and an administrative law judge will rule on the amount of permanent disability this employee has and the amount of disability pay this employee should be awarded, which would be paid by the insurance company. He stated that during the settlement discussions, the mediator suggested that the City may want to consider paying some additional money to end this employment situation.

The Administrator reported that the Mayor has been working with the School Supt. to find a location for the School District construction trades class. He stated that properties along W. Summit Street were identified as possible sites, and the Mayor has discussed purchasing this property with the owner. He stated that one problem with this particular property is that it does not meet the minimum lot width requirement for

The Administrator stated that the City is planning to enforce a nuisance abatement order on a property on Summit Street. He stated that there is a Magistrate's order that the owners of the property abate the nuisance, and also authorized the City to enter onto the property to abate the nuisance and remove unlicensed or inoperable motor vehicles. He stated that the City tried to enforce this Magistrate's order on March 17th, but found that the gate to the back yard was locked and that there were several dogs confined in the back yard. He stated that Bob Hendricks mailed a letter to the owners that the City would be coming to their property on Tuesday to enforce this action, and their response was that they had the right to a hearing. The Administrator stated that they failed to request a hearing when they were first ordered to abate the nuisance, and they failed to attend the hearing before the Magistrate when the Magistrate issued the order. The Administrator stated that he told the owners that this was a Magistrate case and that they had to request a hearing or file for an appeal with the Magistrate. The Administrator stated that he visited with the City Attorney, who advised that if the gate is locked again, he would file an action with the Magistrate.

The Administrator stated that the Iowa Supreme Court recently issued a ruling that involves the open meeting law and what constitutes a meeting. He stated that the case involved the Warren County Supervisors, which is similar to many of the Counties in Iowa with only three members. He stated that if two of the three Supervisors were to discuss County business, it could be construed to be a meeting. He stated that in this case, the County Supervisors were considering a plan for reorganizing County Departments. He stated that the Warren County Administrator was meeting individually with the Supervisors and passing information and proposals between the Supervisors. He stated that the Court ruled that by using the County Administrator as an agent, the County Supervisors were, in effect, conducting meetings that should have been subject to the open meeting law requirements.

The Mayor called for a report on the claims. Council Member Macumber stated that he reviewed the claims and the following list of claims were approved. Council Member Harrell seconded the motion. Roll call vote:

AYES: Macumber, Seaward, Stover, Fletcher, Harrell

NAYS: None

Whereupon the Mayor declared that the motion carried.

GENERAL

POLICE:

Alice Training Institute LLC, reg	595.00
Madison Co Sheriff's Office, dispatch service	2,449.74
Payroll Account, salaries	23,070.29
Quality Car Care, car maint/car repairs	194.29
Winterset Municipal Utilities, utilities	51.10

FIRE:

Agriland FS Inc., gasoline	271.98
CenturyLink, phone service	104.30
Evan Kuhns, reimb exp	327.39
Jayson McDonald, reimb expenses	362.69
MidAmerican Energy, gas service	222.60
Verizon, cellular service	40.01

ADMINISTRATION:

Flander, Casper & Rosien, atty fees	1,070.00
IA Municipal Finance Officers, membership dues	50.00
Payroll Account, salaries	1,175.00
Payroll Account, salaries	4,171.04

BUILDING INSPECTOR:

Payroll Account, salaries	1,211.25
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TRANSFERS:

Internal Service Fund, reimb internal	3,081.95
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AIRPORT:

Winterset Airport Authority, approp	3,274.25
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ECONOMIC DEVELOPMENT:

Madison Co Alliance Group, approp	3,541.67
Madison Co Chamber of Commerce, hotel/motel tax	6,367.09

GARBAGE FUND

SOLID WASTE/GARBAGE:

Payroll Account, salaries	619.24
Payroll Account, benefits	465.74
Waste Management of Iowa, garbage service	21,950.78

INTERNAL SERVICE FUND

ADMINISTRATION:

Access Systems, maint contract	765.45
Brandy Decker, cleaning service	200.00
CIT, copier lease	368.30
D & D Pest Control, pest control	35.00
F & M State Bank, ACH fees	188.00
Gary's Enterprises, window cleaning	155.00
M & M Sales Co., copier maint	4.10
Neofunds by Neopost, postage	600.00
Winterset Municipal Utilities, utilities	1,139.85

ROAD USE TAX

ROADWAY MAINTENANCE:

Air Cooled Engines, equip repairs	76.11
Breedings Hardware, hdw supplies/markings paint	46.76
Electronic Engineer, pager maint	23.90
Grimes Asphalt & Paving Corp, cold mix	1,626.44
Payroll Account, salaries	6,009.51
Vermeer Sales & Service Inc., equip repairs	244.82
Waste Management of Iowa, garbage service	65.00
Winterset Municipal Utilities, utilities	5,949.26

STREET CLEANING:

Payroll Account, salaries	1,185.00
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SEWER UTILITY FUND

SANITARY SEWER:

Internal Service Fund, reimb internal	2,054.64
Nancy Trask, reimb repairs	5,074.48
Payroll Account, benefits	5,326.68
Payroll Account, salaries	7,302.54
Sewer Improvement Project Fund, transfer	15,000.00
Sewer Revenue Bond Sinking, transfer	13,173.50
Verizon, cellular service	123.72
Winterset Municipal Utilities, utilities	6,358.58

SEWER IMPROVEMENT FUND

SANITARY SEWER:

CL Carroll Inc., pay est #8	133,527.15
Veenstra & Kimm Inc., engineer fees	18,726.14

TRUST & AGENCY

POLICE:

Payroll Account, benefits	10,007.80
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ADMINISTRATION:

Payroll Account, benefits	3,057.99
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ROADWAY MAINTENANCE:

Payroll Account, benefits	6,305.45
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The Mayor stated that the minutes of the March 21, 2016 City Council meeting were previously distributed to the Council Members for their review. A motion was made by Council Member Seaward and seconded by Council Member Macumber to approve the minutes as submitted. Roll call vote:

AYES: Macumber, Seaward, Stover, Fletcher, Harrell

NAYS: None

Whereupon the Mayor declared that the motion carried.

The Mayor noted that Dave Braga had signed up for public commit period. Mr. Braga stated that he has been getting several calls at the newspaper office about the enforcement activity for dog licensing. The Mayor asked that Police Chief Ken Burk address this matter. The Chief stated that the period for renewing the dog licenses is from December through the end of January. He stated that starting February 1<sup>st</sup> a late payment penalty is added to the license fee. He stated that the Police Officers are now issuing tickets to people who have still not renewed their dog license.

The Mayor stated the last item on the agenda is to hear an appeal from Chris Fairholm for disciplinary action he received as a firefighter. The Mayor noted that Chris Fairholm has written a letter appealing the disciplinary action and requesting that this appeal be heard in closed session. The Mayor noted that Iowa Code Section 21.5(1i) provides that a government body may hold a closed session "to evaluate the professional competency of an individual whose appointment, hiring, performance, or discharge is being considered when necessary to prevent needless and irreparable injury to that individual's reputation and that individual requests a closed session". A motion was then made by Council Member Macumber that the Council go into closed session. The motion was seconded by Council Member Seaward. Roll call vote:

AYES: Macumber, Seaward, Stover, Fletcher, Harrell

NAYS: None

Whereupon the Mayor declared that the motion carried and the Council would not meet in closed session.

The Council then met in closed session to hear an appeal filed by Chris Fairholm in regards to disciplinary action he received as a firefighter. At the conclusion of the closed session, the Council meeting was re-opened to the public.

Council Member Stover then introduced the following resolution and moved for its adoption. Council Member Seaward seconded the motion. Roll call vote:

AYES: Macumber, Seaward, Stover, Harrell

NAYS: Fletcher

Whereupon the Mayor declared that motion carried and following resolution was duly adopted.

RESOLUTION NO. 2016-40

RESOLUTION AFFIRMING DISCIPLINARY ACTION

**BE IT RESOLVED** by the City Council of the City of Winterset, Iowa that the disciplinary action consisting of a written reprimand issued to Chris Fairholm by Assistant Fire Chief Jeff Johnston is hereby affirmed and that the appeal of the disciplinary action filed by Chris Fairholm is hereby denied.

Passed and approved this 4th day of April, 2016.

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James C. Olson, Mayor

ATTEST:

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Mark Nitchals, City Administrator

A motion was then made by Council Member Macumber and seconded by Council Member Harrell to adjourn the meeting. Roll call vote:

AYES: Macumber, Seaward, Stover, Fletcher, Harrell

NAYS: None

Whereupon the Mayor declared that the motion carried and the meeting was now adjourned.

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James C. Olson, Mayor

ATTEST:

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Mark Nitchals, City Administrator