

CITY OF LOGAN
COUNCIL MEETING
CITY HALL, 108 W. 4TH STREET
APRIL 23, 2012

At 7:00 P.M. Mayor Fetter called the meeting to order. Those present were Council Members Clark, Johnson, Greve, Lefeber and Crum.

Mayor Fetter asked if there were any additions or deletions to the agenda. There were none. Motion was made by Clark and seconded by Crum to approve the agenda. 5 ayes.

Motion was made by Crum and seconded by Lefeber to approve the consent agenda which consisted of approving the minutes of the 4-9-12 regular city council meeting and the 4-9-12 public hearing, set a date of Monday, May 7th, 2012 for a regular council meeting, approve the claims register and no building permits. 5 ayes.

Item 6 on the agenda was to approve closing 7th Street, or Highway 30, from Maple Ave. to Fourth Ave. on July 4th for the parade. Motion was made by Johnson and approved by Clark to approve closing 7th Street, or Highway 30, from Maple Ave. to Fourth Ave. on July 4th for a parade. 5 ayes.

Item 7 on the agenda was to approve blocking off parking spots on the West side of the City Park on Sat., May 5th from 11:00-1:00 p.m. for 4th Avenue Grill for a Porsche Club car rally. Bill Greenwood asked for this and said he had talked to all of the other businesses on 4th Avenue and they were ok with this. It is only on one side of the street so customers can still park along the East side of 4th Avenue. Motion was made by Greve and seconded by Crum to approve blocking off parking spots on the West side of City Park on Sat., May 5th from 11:00 a.m.-1:00 p.m. for 4th Avenue Grill for a Porsche Club car rally. 5 ayes.

Item 8 on the agenda was to approve the Park Board's recommendation to let Jake Richardson and other volunteers restore the ball diamond at Milliman Park. Park Board Member Gary Nordby checked with the property owner next to this area and verified that the property that the ball diamond would be put on is in Milliman Park and not private property. The property owner also stated that they didn't have any problem with the ball diamond being next to their property. Motion was made by Greve and seconded by Johnson to approve the Park Board's recommendation to let Jake Richardson and other volunteers restore the ball diamond at Milliman Park. 5 ayes.

Next on the agenda was for the Park & Rec Committee to discuss Milliman Park plans. This project was tabled at the 4-9-12 council meeting. The council said it was alright to talk about the project again. Park Board Members Gary Nordby and Nikki Allen, Council Members Clark and Crum and Mayor Fetter met on April 18th to discuss Milliman Park. The Park & Rec Committee are in favor of cleaning it up and having a survey done. It was stated that when these two things are finished, along with the completion of the shelter in the downtown park, the Park Board can work on a small trail in the northwest corner of the park. Sometime over the summer they would need to work with the property owners with regard to the results of the

survey and what type of barrier they would like to see when the trails are extended at a later date closer to the properties. Clark stated that the survey will be paid for with private funds, not City funds. Clark made a motion to go ahead with the survey and cleaning the park up to the ravine after the shelter is completed downtown. Nordby asked if they could clean before the downtown shelter was completed because of schedules with the Boy Scouts and the Kiwanis. They had originally planned to have a cleanup day on April 28th. Greve asked when the person was going to come in to look at the trees and advise which ones need to be removed. Nordby stated that he is scheduled to come in on April 24th. When asked about a survey, Nordby stated that nothing had been done on it because the project hadn't been approved, but they would be looking for bids on it. Clark made a motion to go ahead and do the cleaning and do the survey. Johnson seconded the motion. Greve commented that when you walk down in the park there are a lot existing trails from the past, and when the park gets cleaned there will be trails that people can use now. Nordby stated that it depends on the recommendation of the forester. Greve asked if the streets have been abandoned, vacated or just not maintained. Mayor Fetter stated that he didn't think they had ever been vacated, they are just not maintained. A vote was then taken with 5 ayes.

The next item on the agenda was to discuss employee raises for FY 12-13. The City Clerk explained how the raise pool is figured and stated that raises are then based on how high an employee scores on their review. She gave the Council a spreadsheet with examples of a 1% raise up to a 3% raise of a pool. The employees received 3% last year, and the budget contains enough for up to 3% this year. Johnson stated that he would like to look it over before making a decision. Mayor Fetter stated that it would be put on the agenda for the next meeting.

Item 11 on the agenda was to set a date of May 21st at 7:00 p.m. for a public hearing to amend the FY 2011/2012 budget. The City Clerk will have figures at the next meeting of what needs to be amended. Motion was made by Johnson and seconded by Clark to set a date of May 21st at 7:00 p.m. for a public hearing to amend the FY 2011/2012 budget. 5 ayes.

Item 12 on the agenda was to discuss the complaint received from John Espenmiller about nuisance issues. Chief Smith stated that the City needs to understand that building cleanup is civil law, not criminal law. He also stated that the Police Department should not be handling these matters, but the building inspector should. The building inspector should put together an investigation, and then turn it over to the Police Department. Mayor Fetter stated that he wanted to make sure this complaint is being taken care of. The City Clerk asked Chief Smith if he had spoken with the homeowners about the dogs because she didn't believe they had been licensed. Chief Smith stated that he would take care of it right away. The Council is going to look at the code book and the job description of the building inspector. They will follow up on the complaint.

Item 13 on the agenda was to discuss the complaint received from citizens against 4 city council members. Mayor Fetter read a letter that was received by the City Clerk from Bill DeWitt, Judy Dinkel, Tom Hoff, John Espenmiller, Terry Francis and Ed Trecek. Their complaints were as follows:

1. Councilman Johnson argued and voted against the Milliman Park clean up and trails proposal. There would not be a dispute if not for the Johnson family. Therefore, Councilman

Johnson needs to abstain from arguing the matter as a councilman and must also abstain from any and all votes concerning the matter. He has every right to exit his council seat and argue as a citizen. These arguments and votes are public record from the council meetings dated 3-26-12, 4-2-12 and 4-9-12.

2. On Saturday, March 31, Councilman Johnson called an employee of the Logan Herald Observer. Councilman Johnson left a message on this employee's answering machine, instructing her not to publish the minutes of the March 26 Council meeting. Councilman Johnson's reason for stopping the publication was personal.

3. Councilman Greve argued and voted on the issue of vacating the street to his home on Kole Drive, which, as a result, allowed him to purchase the property from the City. During the council meeting on 3-26-12, Greve argued the matter as a councilman, not as a citizen. He also used his councilman position to negotiate the price of the property. On 4-9-12, Councilman Greve voted to approve to vacate the property which allowed him to move forward and make the purchase.

4. Council members Greve, Johnson, Lefeber and Clark jointly attended a Logan Park Board meeting on 4-5-12. At this meeting they sat together and had on going conversations throughout. This qualifies as a quorum and is illegal. These four council members were instructed by the mayor at the previous council meeting to sit separately should they all attend, therefore making them fully aware they were disregarding the ordinance concerning illegal quorums.

The Mayor discussed that the Clerk was working on lining up a trainer from the Institute of Public Affairs to train the council and board members on open meetings among other things so that everyone is aware of what their responsibilities are. Council Member Lefeber asked how close someone can sit and be considered sitting with other people. He stated he was not at the table with the other 3 council members. The Mayor replied he would have to check on this. The Clerk stated that there probably isn't a specific distance you have to sit but asked did you go there knowing it was a public meeting that was going to be discussing city of Logan business and if so then that gives the appearance that there is going to be a quorum there to discuss city business. She stated it probably isn't as specific as who sat where. There was a discussion on when the training could be held.

Next on the agenda was Charlotte Lefeber to discuss minutes and Chapter 21 of the State Code. Lefeber stated that she didn't have any problem with the City Council and that her concerns were with the Pool Board and Park Board. She stated that the Pool Board fired an employee last summer, and she wasn't sure the Council members knew about it. She asked Mayor Fetter if he was aware of it, and he stated that he wasn't because the council doesn't do the hiring. She said that the ordinance states that the Pool Board is allowed to hire, but it does not state that they can fire. She stated that the grounds for the firing were supposedly discussed in a meeting, and there is no record of it in the minutes. She stated that she has issues with boards choosing to fire employees. She also stated that she has issues with employees of the city being aware of it and not bringing it to the city council. Lefeber has issues with positions being created for the pool this summer that have not been advertised for. She believes it's a concession coordinator type of position that was created. The City Clerk verified that it was a person to work in the bathhouse that would be over other bathhouse workers, and that the position was not advertised. Lefeber reiterated that we have positions that are being filled that are not advertised for, and the board is taking it upon themselves to fire an employee and not

letting the city council know. Lefebber cannot find in the ordinances that the Pool Board has the authority to fire an individual. The City Clerk stated that she believes the Pool Manager can fire an employee. The manager would make the recommendation to the Pool Board. The City Clerk stated that it would not be brought to the council because we would not want to publish in the newspaper the name of someone that got fired and what they got fired for. Lefebber stated that she thinks that the boards are a little bit out of control, and that the city council should be notified of this. She stated that she didn't think you would have to specifically name the lifeguard that was fired because it's pretty well known throughout the community. Lefebber reiterated that she thinks the boards are out of control, hiring and firing is being done, positions are being made that were not advertised for and the City Council is not being made aware of it.

Citizen's questions/comments: Judy Dinkel responded to Charlotte Lefebber's comments about the Pool Board and the Pool Manager and their duties, and stated that the Pool Board donates their time and the managers get paid. She asked if it should be changed. Matt Pitt stated that the steps to termination are in the pool handbook. Karie Waters spoke about the duties of the Pool Manager and their responsibilities. Rene Springston commented that the training for the boards will clear up issues on who does what. Chad Pitt asked if the lifeguards are hired by the Pool Board or the City of Logan. Tom Hoff asked if the Pool Board has the authority to make binding decisions involving money or personnel issues and if they have a separate budget. Mike Johnson asked if all of the properties on 3rd Street would be surveyed and if the alley with the garage built on it would be included in the survey. Melvin Pitt stated that it is quite obvious where 3rd Street is, based on where the trees are located, and he is wondering who put the plank across to block access to the street. He stated that both ends of the street haven't been maintained the same, and it would be the city's responsibility to do this. There is a fire hydrant located on the lower end of the street that has to have access. Laurie Storm stated that 3rd Street has been a dead end since at least 1996 and asked if the fire hydrant even works. It does work it was stated. Matt Pitt asked if they would be able to mow the trail if it was put in. John Espenmiller stated that we have city codes that are not being enforced. We have barking dogs, trash, litter and abandoned cars. He suggests that the city hire someone to enforce the laws and take care of nuisances. Terry Francis would like to see 3rd Street reopened so the property owners could use it and have access to their front door. Bill DeWitt asked Council Member Johnson how long he has been on the council, how much training he has had and if the reason there has been poor judgment on the part of the council is because of the lack of training. Judy Dinkel asked if the training for the city council is public and if the council has had any formal training. Laurie Storm suggested that the Council bring the City Attorney to a meeting to answer everyone's questions. Tom Hoff stated that the items addressed in the citizen's complaint letter were true, and the Council made procedural and judgment errors. The Council was asked if their actions were ethical. Samantha Johnson stated that things went badly from the beginning, and there has been malicious, mean behavior. She believes there is a way to work this out where everyone would win, and everyone needs to be neighborly and nice. Chris DeWitt stated that it's not about winning but working together to make the community better. Gene Benson stated that this is Logan, USA, not California, Mesa, AZ or Florida. It's a decent place to live, and he can't see any reason the people in this town shouldn't have trails in the park. Rene Springston stated that she doesn't know the council personally but wanted them to understand that her opinion of them personally is very different than her opinion of them as a board or council, and she is adult enough to have that differentiation. Don Blackford agrees

with Gene Benson that the citizens should be able to utilize the park, and he knows there can be a compromise made. Mike Johnson spoke about the laws and pointed out that it states that ignorance of the law is no excuse. He said training would do the council a great deal of good.

Chamber update: Chris Hartwig said the Chamber has picked a nomination for the Citizen of the Year and selected the senior scholarship recipient. They are working hard on the 4th of July celebration.

CLAIMS		
AFLAC	INSURANCE	\$105.78
AQUA CHEM INC	PORTABLE LIFT	\$5,534.00
BIOLOGICAL RESOLUTIONS, LLC	DEGREASER	\$1,606.00
FIRST NATIONAL BANK	PAYROLL TAXES	\$2,844.89
KYLE GRABER	REIMB SPEAKER MIC	\$77.36
LOIS HALL	CONTRACT SERVICE	\$459.74
HARRISON CO DEVELOP. CORP.	28E AGREEMENT	\$842.06
HOLIDAY INN AIRPORT	SPRING IMFOA CONFERENCE	\$103.04
STATE HYGIENIC LABORATORY	WATER TESTS	\$40.00
IOWA ASSOC OF MUNICIPAL UTIL.	TRAINING/MUXFELDT	\$40.00
IOWA ONE CALL	LOCATES	\$21.60
MIDWEST RADAR	CALIBRATE RADARS	\$80.00
ANDREW MOORES	JET VAC SHOP/N. LIFT STATION	\$760.00
POSTMASTER	POSTAGE	\$192.00
PRINCIPAL LIFE	LIFE & DISABILITY INS	\$112.78
TRUE NORTH	HEALTH INSURANCE	\$2,479.54
WESTRUM LEAK DETECTION INC	LEAK DETECTION SURVEY	\$1,100.00
	TOTAL	\$16,398.79
	PAYROLL THRU 4/20/2012	<u>\$9,950.15</u>
	PAID TOTAL	\$26,348.94

Motion was made by Clark and seconded by Crum to adjourn. 5 ayes.

Angela Winther, City Clerk/Administrator
 Attest: Randy Fetter, Mayor