

CITY OF ATKINS IOWA
City Council Meeting Minutes
Tuesday, May 9, 2023, at 6:30 p.m.

Mayor Bruce Visser called the meeting to order at 6:31 p.m. Present were Bell, DeMeulenaere, Koehn, Petersen, and Steffen. Also present were Groskurth, Doug Herman – City Attorney and various members of the public.

Bell moved to approve agenda by removing items #6 - the 1st reading of ordinance No. 228 and 11c - Resolution approving FEMA award for Atkins project #157526 Fire Station and move item #16 - for items not on agenda up to after item #3 - consent agenda and take item #15 - Mayor's, Public Works, and Administrator's reports up to prior to item #13 - evaluation process. Mayor Visser informed order of business is at the discretion of the chair. Discussion occurred.

Bell amended motion to approve agenda by removing item #6 - the 1st reading of Ordinance No. 228 and 11c - Resolution approving FEMA award for Atkins project #157526 Fire Station. Steffen seconded. Ayes: Bell, Petersen, Steffen, DeMeulenaere. Nays: Koehn. Motion carried.

Koehn moved to approve the Consent Agenda items. Petersen seconded. Ayes: DeMeulenaere, Koehn, Petersen, and Steffen. Nays: Bell. Motion carried. Consent Agenda included the Minutes of April 25, 2023, Renewal of The Depot Cigarette Permit, and list of bills as follows:

GIS BENEFITS	DISABILITY COVERAGE	119.84
EFTPS	FED/FICA TAX	3,751.18
IPERS	IPERS REGULAR	2,522.21
DAKOTA SUPPLY GROUP	SUPPLIES	1,405.29
IRON MOUNTAIN INCORPORATED	SHREDDING SERVICE	85.58
USPS - POSTMASTER	POSTAGE	293.28
ACCESS SYSTEMS	SERVER PROJECT	9,990.82
ACME TOOLS	SUPPLIES	200.97
ALLIANT ENERGY	UTILITYIES	9,040.01
ALTORFER INC.	LEASE AND SUPPLIES	3,768.85
ATKINS LUMBER CO. INC.	SUPPLIES	202.92
ATKINS TELEPHONE CO..INC.	TELEPHONE	85.95
BADGER METER	ORION CELLULAR	23.25
CHEM-SULT, INC.	CHEMICALS	3,313.79
CRAWFORD QUARRY	ROCK FOR ROADS/PARK	300.51
D P PROPERTIES	CLEANING	420.00
GAZETTE COMMUNICATIONS, Inc.	PUBLICATIONS	496.23
HOLIDAY INN AIRPORT	HOTEL - TRAINING	235.72
IOWA STATE UNIVERSITY	TRAINING	528.00
IRON MOUNTAIN INCORPORATED	SHREDDING SERVICE	260.48
M & D MINI STORAGE	Derecho - costs	65.00
MIDAMERICAN ENERGY	UTILITIES	86.45
P & K MIDWEST	SUPPLIES	1,860.76
SNYDER & ASSOCIATES	ENGINEERING	3,362.84
STATE CHEMICAL SOLUTIONS	CLEANING SUPPLIES	255.02
THE DEPOT EXPRESS	FUEL	546.61
U S CELLULAR	CELL PHONES	241.96

WASTE MANAGEMENT	GARBAGE COLLECTION	15,780.17
WENDLING QUARRIES, INC	BALL DIAMOND LIME	4,101.78
Accounts Payable Total		63,345.47
Payroll Checks		11,306.79
***** REPORT TOTAL *****		<u>74,652.26</u>
GENERAL		46,304.56
ROAD USE TAX		9,631.94
FEMA		65.00
WATER		12,187.55
SEWER		6,463.21
TOTAL FUNDS		<u>74,652.26</u>

Budget Amendment – Fiscal Year Ending 2023 (FYE 23) Public Hearing began at 6:51 p.m. There being no comments for or against the public hearing ended at 6:53 p.m. Mayor Visser called for written statements received. Groskurth informed no written comments for or against have been received. Koehn moved to approve Resolution 2023-05-01 a resolution adopting FYE 2023 Budget Amendment. Petersen seconded. Ayes: Koehn, and Petersen. Nays: Bell, DeMeulenaere, Steffen. Motion failed.

Steffen moved to approve the 1st Reading of Ordinance No. 228 Amending the Code of Ordinance of the City of Atkins, Iowa, 2005, by amending the provisions pertaining to Solid Waste Service Charges. Bell seconded. Ayes: Bell, DeMeulenaere, Koehn, Petersen, and Steffen. Motion carried.

Koehn moved to approve Resolution 2023-05-02 approving the 2023 Street Maintenance Plan in an amount not to exceed \$75,000.00. Bell seconded. Ayes: Bell, DeMeulenaere, Koehn, Petersen, and Steffen. Motion carried.

UTV Operation: Discussion regarding if city should allow UTV operation on city streets. Discussed ways to hear from citizens. Noise concerns. Review examples. Groskurth asked the council what streets they would like to consider allowing UTV's.

Steffen moved to approve Resolution 2023-05-03 Approving Attorney Fee Contract Agreement for necessary legal tax services between Lynch Dallas PC and the City of Atkins. DeMeulenaere seconded. Ayes: Bell, DeMeulenaere, Koehn, Petersen, and Steffen. Motion carried.

Mayor Visser informed Council of the City's opportunity to enter a lease with the County Conservation Area after County Conservation has made area safe. Area is popular with citizens. Council discussed.

Mayor gave Fire Station update asking council to set workshop date to review 60% design of Fire Station and with financial advisor. The council informed Mayor they will not set a date for fire station workshop until workshop discussing council procedures is held. The following special meetings were tentatively set depending on availability of presenters: May 22, 2023, Council procedures special meeting at 6:00 p.m. and May 24, 2023, Fire station Architect design – finance advisor 6:00 p.m.

Steffen moved to approve Resolution 2023-05-05 approving letter of engagement with the Office of Auditor of State to provide the Fiscal Year Ending 2022 Audit. Koehn seconded. Ayes: Bell, DeMeulenaere, Koehn, Petersen, and Steffen. Motion carried.

The attorney informed council the evaluation process is important and a process that provides discussion. Legal team recommends process not be held in open session. The request of closed session is up to the employee. Mayor Visser advised the city to proceed with evaluation as legal has recommendation.

Mayor Visser several members of the public requested time to speak regarding the notice of non-renewal of the city administrator's contract. Speakers included Wes Howard, Dave Vanous, Mike Palumbo, Jeff Ralston, Todd Richardson, and Jeremy Chihak. Speakers generally spoke favorably towards renewing the administrator's contract and encouraged council to complete the evaluation process.

Attorney advised administrator's contract provides if contract will not be renewed under same provisions, a 90-day notice needs to be given to administrator. Absent a 90-day notice, the contract automatically renews. The council can wait until July to finish evaluation processes and make decisions.

Koehn moved to table resolution 2023-05-06 to give City Administrator notice of non-renewal of contract pursuant to City Administrator Agreement. Peterson seconded. Discussion. Ayes: Koehn, Petersen. Nays: Bell, DeMeulenaere, and Steffen. Motion Failed.

Bell moved to approve Resolution 2023-05-06 giving City Administrator notice of non-renewal of contract pursuant to City Administrator Agreement by amending resolution adding City Administrator to be placed on leave effective immediately for the rest of contract and to pay through contract date as stated by Attorney in resolution. Attorney informed council motion is appropriate if the council understands motion significantly changes original resolution. Peterson stated, "this is totally irresponsible, who is going to do the work!" Motion died due to lack of a 2nd.

Steffen moved to approve Resolution 2023-05-06 to giving City Administrator notice of non-renewal of contract pursuant to agreement. DeMeulenaere seconded.

Groskurth stated, "It appears several council members are taking action against me due to my involvement with the state audit, the council person censure, the IPIB complaint, and the ombudsman complaint. These actions are retaliation against me for following the law, so I would ask the elected officials to stop defaming me and stop punishing me for doing my job.

Ayes: Bell, Steffen, and DeMeulenaere. Nays: Petersen, and Koehn. Motion carried.

Mayor Visser often city council is not aware of all the activities that take place to operate the city. There is always a balance between the needs of the city and the council member's agenda. It's a balancing act for staff and myself to prioritize the citizens' needs and the council agenda.

Mayor Visser informed council as he has Veto power over the resolution, and he will be vetoing Resolution 2023-05-06.

Mayor Report: Putting together an agenda and its packet takes time. Two items on this agenda took an inordinate amount of time. Our staff works hard doing what they love. They are the

reason we have water today, due to their efforts through the night. FYE 2022 Audit is under way. Will be attending a Mandatory Fraud Prevention Course: May 17 -18 in Des Moines. Currently we are working on audits both current and past. We enjoy visiting with people when they come into the city and a have a lot of exciting potentials happening.

Public input: Several citizens spoke regarding various topics. Topics included need for citizens to pick up litter, like the direction city is heading its improved, thanked staff for what they do.

The Next Regular Council Meeting to be held Tuesday, May 23, 2023, at 6:30 p.m. City Hall/Library 480 3rd Avenue, Council Room.

Koehn moved to adjourn. DeMeulenaere seconded. Ayes: Bell, DeMeulenaere, Koehn, Petersen, and Steffen.

Adjournment Time 9:00 p.m.

Kelly Groskurth, City Administrator/City Clerk

Bruce Visser, Mayor