

CITY OF LOGAN
CITY COUNCIL MEETING
CITY HALL, 108 W. 4TH STREET
August 20, 2012

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

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

Agenda item 5 was a Public Hearing on employee termination per the request of Angela Winther pursuant to Article III City of Logan Employee Handbook. Winther sent a request for a hearing on July 27th. She asked the Council to explain why she was terminated on July 6, 2012 with no reason given. Johnson stated that many of the reasons were contained in the documents provided by Ms. Winther, which were emails with communications between Ms. Winther and former City Attorney, Joe Lauterbach. Johnson was concerned that the Council was not informed of these conversations between the City Clerk and the City Attorney. Ms. Winther's attorney, Brooke Timmer, asked the Council how they felt Winther was insubordinate. Council Member Johnson asked City Attorney, Aaron Rodenburg, how he wanted to disseminate this information. Mr. Rodenburg stated that he needed more time to look over all of the information before he could give an answer. Johnson stated that the insubordination was Ms. Winther's general disregard for the Council. Ms. Winther asked for permission to read the emails in question. Mayor Fetter granted her permission to read them. Ms. Winther read the emails she had written on April 5, 2012 and May 15, 2012. These emails are on file at City Hall with the minutes of the August 20, 2012 meeting. There was discussion on many of the items that were written in the emails. The public was then given a chance to speak. Jim Ettleman spoke of the insubordinate acts of Johnson, Lefeber and Clark. Milo Burnett stated that Johnson, Lefeber and Clark brought shame on this city that will not go away anytime soon and that their actions in council meetings were very unbecoming. Kim Armstrong spoke of all of the great things that Ms. Winther has done for the city and Johnson's perception of conflict of interest. She also discussed the council's actions putting the city at risk for litigation. Gary Altwegg asked by what authority Johnson called the newspaper and cancelled the publication of the minutes. He also stated that the only way an attorney can represent their client is to have information so he knows what is going on, and Ms. Winther was reporting information to him in her emails. Terry Francis addressed the three emails that were sent to the City Clerk regarding her termination with regard to the dates and times they were sent and the illegality of the meeting. Linda Francis stated that the council members should have followed the employee handbook, and they should make a motion to reinstate her as City Clerk. Renee Springston asked why Crum and Mayor Fetter were left out of the loop during the termination discussions. Judy Dinkel stated that she understands Ms. Winther's frustration. She also brought up that after their training, the council was supposed to write a response to the people who signed the complaint letter and let them know how things were going to improve. She stated that she has never heard anything from them. Nedra Fliehe stated that she had worked with Ms. Winther for eight years and that she was always honest and helpful to the public. She stated that

she doesn't deserve this and that she should be reinstated. Mary Lynn Espenmiller stated that this isn't the way Logan is, and it is time for everyone to heal, get over this and move on. Jim Schulz thanked Johnson for sharing his side of the story because the community has been waiting for it.

Motion was made by Foutch and seconded by Crum to adjourn the Public Hearing. 5 ayes.

Motion was made by Foutch and seconded by Crum to call a special meeting, go into closed session, get all of the details and facts out on the table, consider Angela's comments tonight and discuss reinstatement and possible litigation. 5 ayes. A special meeting will be held on Monday, August 27th at 7:00 P.M. for the City Council to go into closed session to discuss Angela's request and possible litigation.

The next item on the agenda was to approve the consent agenda which consisted of approving the minutes from the 8-6-12 council meeting, set a date of September 10, 2012 for a regular city council meeting, approve the Claims Report and building permits for Dennis Hall, 408 E. 3rd St., remove back porch and replace with utility room; Abe Sandquist, 219 E. 8th St., replace decking. Motion was made by Johnson and seconded by Clark to approve the consent agenda. 5 ayes.

Agenda item 8 was to approve a Special Class C Liquor License (Beer/Wine) and Sunday Sales for 6 Pack & A Rib Rack LLC. Motion was made by Foutch and seconded by Clark to approve a Special Class C Liquor License (Beer/Wine) and Sunday Sales for 6 Pack & A Rib Rack LLC. 5 ayes.

Item 8 on the agenda was to approve a rental agreement with West Central Community Action for 2012-2013. Motion was made by Foutch and seconded by Crum to approve a rental agreement with West Central Community Action for 2012/2013. 5 ayes.

The next item on the agenda was to discuss and approve the first reading of Ordinance 440: An ordinance to amend Chapter 92 Water Rates. Johnson stated that he would like to see the rates stay the same. He said that the surplus can continue to accrue with the rates where they are, and that would be sufficient. Motion was made by Johnson to approve the rates at no change. Discussion was held on the surplus, updates and purchases that will need to be made in the future for the Water Department. Scott Muxfeldt, Public Works Director, informed the council of some upcoming maintenance. Foutch stated that based on everything he was hearing, he would be in favor of a one percent increase to slowly build the reserve rather than having a five to ten percent increase hitting us all at once. The motion on the table died for the lack of a second. Motion was made by Crum and seconded by Clark to approve the first reading of Ordinance 440: An ordinance to amend Chapter 92 Water Rates with a one percent increase. 4 ayes. Johnson voted nay.

Agenda item 11 was to discuss and approve the third reading of Ordinance 441: An ordinance to amend Chapter 99 Sewer Rates. Motion was made by Johnson and seconded by Crum to approve the third reading of Ordinance 441: An ordinance to amend Chapter 99 Sewer Rates. 5 ayes.

Agenda item 12 was to discuss and approve the first reading of Ordinance 442: An ordinance amending Chapter 23: Park Board. This ordinance would change the board from five to seven members. There is currently only one member on the Park Board. This change was requested by the Park Board before their terms ended. The board will have to be gender equal when the members are appointed. Motion was made by Foutch and seconded by Crum to approve the first reading of Ordinance 442: An ordinance amending Chapter 23: Park Board. 4 ayes. Johnson voted nay.

Agenda item 13 was for Don Blackford to discuss putting stop signs at 4th & Linn Streets. He wanted the council to consider this so that kids coming off of the trail on dirt bikes wouldn't run into traffic. The police department and city personnel will monitor it for awhile, and it will be discussed further.

Citizens questions/comments: Susie Bonham asked if motor bikes are allowed on the trail. Andrew Francis discussed the authority of Johnson acting on his own by pulling the minutes from the paper. Pam Oviatt discussed proceeding with a meeting before minutes were approved from a previous meeting. She also asked why City Attorney Joe Lauterbach was fired. Jim Ettleman discussed the council's input from the attorney and why the council never asked him to attend a meeting. He spoke to Clark about a conflict of interest matter. A meeting that the citizens held on 8/6/12 was also discussed. Terry Francis asked Johnson if he had directed the deputy clerk to advertise the clerk's position in the Daily Nonpareil and the Des Moines Register. Kevin Whisney stated that the citizens never get a straight answer, and this shouldn't be happening in Logan, Iowa. Liz Poore stated that there are good people that come to meetings night after night, and the council should give them answers.

Chamber update: Chris Hartwig reported that Saturday, August 25th is the Car/Motorcycle Show and Cruise. It will start a 11:00 A.M. There will be food, music, raffles and door prizes in the park. They are hoping for a great turnout.

CLAIMS

ACCO	KOP KITS	\$659.68
AFLAC	INSURANCE	\$49.56
AGRILAND FS	FUEL	\$1,381.08
CLARK PEST CONTROL	PEST CONTROL	\$60.00
FIRST NATIONAL BANK	PAYROLL TAXES	\$4,578.50
GARY NORDBY	LAWN CARE	\$510.00
GALLS INCORPORATED	TARGETS/FIRST AID KIT	\$186.46
HARRISON CO. R.E.C.	UTILITIES	\$172.35
STATE HYGIENIC LABORATORY	WATER TESTS	\$69.00
IOWA DEPT OF NAT RES	ANNUAL FEE 2013	\$210.00
SALVO,DEREN,SCHENCK	LEGAL FEES	\$208.00
LOGAN COUNTRY STORE	EMP APPREC	\$60.95
MOORES PLUMBING	FIRE HYDRANT	\$544.00

POSTMASTER	POSTAGE	\$282.00
SAMS CLUB	CONCESSIONS	\$295.72
SWIPCO	ADMIN CDBG HOUSING	\$3,143.00
TREASURER STATE OF IA	SALES TAX	\$2,362.00
TRUE NORTH	INSURANCE	<u>\$2,486.48</u>
	TOTAL	\$17,258.78
	PAYROLL THRU 8/17/20	<u>\$19,046.28</u>
	PAID TOTAL	\$36,305.06
	GENERAL FUND	\$19,876.23
	ROAD USE	\$2,870.24
	TRUST AGENCY	\$1,074.11
	URBAN HOUSING GRANT	\$3,143.00
	WATER	\$7,101.28
	SEWER	\$2,240.20

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

Marilyn Keizer, Deputy City Clerk

Attest: Randy Fetter, Mayor