

CITY OF LOGAN  
COUNCIL MEETING  
CITY HALL, 108 W. 4<sup>TH</sup> STREET  
MAY 7, 2012

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

There were no additions or deletions to the agenda. Motion was made by Crum and seconded by Greve to approve the agenda. 5 ayes.

Next on the agenda was to approve the consent agenda which consisted of: minutes of the 4-23-12 regular city council meeting, set a date of Monday, May 21<sup>st</sup>, 2012 for a regular council meeting and a public hearing to amend the FY 2011/2012 budget, approve the claims register, treasurer's report, revenue report and building permits for: Pennie Greve, 305 E. 7<sup>th</sup> St., plumbing for kitchen in business; Clint McDonald, 516 N. 3<sup>rd</sup> Ave., bathroom addition; and Rodger Wilson, 121 N. 4<sup>th</sup> Ave., repair sidewalk. Council Member Johnson stated that there is no consistency with the citizen's questions and comments in the minutes. A discussion was held on whether the minutes should be detailed or merely the minimum amount that the law requires. Crum made a motion to approve the consent agenda. There was no second to the motion. Johnson voiced his concern over what is being put in the citizens questions and comments and the lack of the council's responses. The Clerk stated that historically anytime a citizen has spoken it was recorded in the minutes, but when we have so many citizens that speak we have to try to keep our publishing costs down. She stated that we're trying to follow the guidelines of the Iowa League of Cities. They suggest that you put in enough historic value that if you read the minutes in ten years you would know what was discussed, and you would also keep it brief so that you're not spending too much on publishing costs. Johnson stated that he would like to keep an electronic copy of the minutes, and that's an investment that the city needs to make. He said it could be kept as the record and the official minutes that are required could be published in the paper. The Clerk stated that it is not the official record per the State Code. Johnson stated that we have started to produce a huge document in the paper every week there is a meeting. The Clerk stated that this is happening because there is a lot of information coming to us right now. Johnson then stated that we are not getting enough information in the paper because the council's comments to the citizen's questions were not in the minutes. The Clerk stated that during citizen's questions and comments the council is not even supposed to speak. She said that we are recording who spoke and what their issue was about. If the council wants to discuss their issue, then technically they should be put on the next agenda. Johnson stated that maybe that needs to be addressed because that's not been happening. Mayor Fetter stated that if the council wanted to pull the minutes they could approve them at the next meeting. The Clerk stated that the motion would need to be amended. Johnson made a motion to approve the consent agenda minus the minutes from the last meeting. Clark seconded the motion. Clark, Johnson and Lefeber voted aye. Greve abstained and Crum voted nay.

The next item on the agenda was to approve a Class C Beer, Sunday Sales, Carryout Native Wine permit for Logan Country Store. Motion was made by Greve and seconded by Lefeber to

approve a Class C Beer, Sunday Sales, Carryout Native Wine permit for Logan Country Store. 5 ayes.

Item 7 on the agenda was to approve closing the alley behind Doc's Roadhouse for a fundraiser on 5/19/12. Doc's Roadhouse already has an Outdoor Service permit for the year. They have submitted a diagram of the closure and the three surrounding business owners have signed off on it. Motion was made by Greve and seconded by Lefeber to approve closing the alley behind Doc's Roadhouse and the alley between 3<sup>rd</sup> Ave. & 4<sup>th</sup> Ave for a fundraise on 5/19/12. 5 ayes.

Next on the agenda was to discuss and approve employee raises for FY 12-13. The City Clerk stated she had the employee evaluations available for review if any of the Council would like to see them. Greve asked the Clerk to explain how the percentage of the wage pool that each employee would receive is figured. She explained that the percentage is based on the employee evaluations. The Mayor stated that most of the towns around Logan are in the 3% range for raises. Crum stated that he would be happy with giving the employees 3 percent. Lefeber stated that he would be alright with 3 percent because of the job the city workers do in the wintertime with the streets. Motion was made by Johnson and seconded by Greve to approve a 3 percent employee raise for FY 12-13. 5 ayes.

Agenda item 9 was to approve the bid for lawn care other than mowing. One bid was received from Gary Nordby of G & R Nifty Lawns. Motion was made by Crum to approve the bid from Gary Nordby for lawn care other than mowing. Lefeber seconded the motion. 5 ayes.

Agenda item 10 was for Jay Randall of Community Bank to discuss the refinancing of the pool loans to lower interest rates. Mr. Randall stated that interest rates have gone down dramatically since the pool was built a few years ago. The original interest rate on the loans was 4.178 and 3.815 percent, and Community Bank is proposing interest rates on both loans of 1.9 percent. Over the remaining life of the loans, if the City would leave their payment amounts the same, it would reduce the amount of interest paid by over \$330,000. Community Bank contacted Bob Josten of Dorsey and Whitney, and he stated that there would be a resolution that the council would adopt authorizing the clerk and the mayor to sign an interest rate adjustment agreement on the promissory note. Randall stated that there would probably be some legal costs with Dorsey and Whitney, and Community Bank would reimburse the City for those costs. The large loan would be paid off about 2 ½ years early. This would also mean that the City would stop collecting property taxes for that loan 2 ½ years earlier than originally planned. The City Clerk contacted Bob Josten, and he stated that this is the route the City should take instead of going out for bid because it's such a good rate and it would save substantial costs by not going out for bid. Mayor Fetter stated that there would be a lot of cost doing it the other way. Council Member Johnson asked if the City is required to put this out for bid, and Mayor Fetter stated that we are not because it is a private loan. The Clerk also stated that Bob Josten told her that if the City is thinking about doing any projects that would require securing a loan; this is a good time to do it with the low interest rates. Motion was made by Greve and seconded by Clark to go ahead and have that resolution drawn up and move forward with that. 5 ayes.

Agenda item 11 was to review a quotation from Ferguson Waterworks for a maintenance contract on the Neptune meter reader. The quote for a one year maintenance agreement on the

meter reader hardware is \$992.97 and the software is \$750. The meter reader was purchased a year ago, and it had a one year warranty which includes the software. Ferguson Waterworks made the recommendation that we keep coverage on the software so that we could get free upgrades as the program changes. The mayor suggested that we contact other cities that have this reader to see if they are having any problems with them, or if they have purchased the maintenance agreement and if it's working out for them. No decision was made at this time.

Agenda item 12 was to discuss citizen complaint turned over to the State Ombudsman and subsequent legal opinion from City Attorney Joe Lauterbach regarding the complaint. Lauterbach gave his opinion on each of the four complaints. At the end of the opinion, he stated "Clearly, this letter has a common thread woven throughout regardless of the issue raised by the citizen complaint. City Council members as elected officials, I believe, must take advantage of any and all training made available to them so that they can fairly and legally execute the authority vested in them by the State Code and the Logan Code of Ordinances. Absent this training, the City Council is likely to run afoul of the mandates and restrictions made law by the Iowa Legislature which specify and set the boundaries of acceptable and permissible city government. Of course, training is only training. If a trained Council member chooses not to put into practice the sound principles of city government taught by the Institute by ignoring the parameters of the city government learned during training, the City and perhaps the City council persons as individuals, are likely to find themselves mired down in a myriad of lawsuits and state-initiated investigations." A copy of this letter is on file at City Hall with the minutes from the regular city council meeting 5-7-2012. No action taken.

Citizen's questions/comments: Don Blackford stated that he went to where the cleanup was and found a road instead of a trail and the park has been disturbed. He stated that his concern is that kids can go there with their four wheelers and pickup trucks and have beer parties. He stated that the park has been disturbed and he is totally against what they did. He stated that according to the newspaper, only "clean up" was to happen. No cutting of trees was to happen until the survey was done and the park shelter completed. He stated the park is a mess. John Espenmiller stated that he was with the state forester when he marked the trees that should be removed from the park. Espenmiller stated that based upon the people that were there, he doubted that any unmarked trees had been taken out. He stated that the forester was fairly aggressive when he marked them because the canopy needs to be opened up so wildflowers and other things can grow more profusely. The trees that were marked for removal were dead, stunted or quite small and would never amount to anything. He stated that the size of the trail could be easily controlled by running a four foot mower through there where people are intending to walk. Laurie Storm stated that since this started it has gotten terribly malicious and certain people have gotten vindictive here in town. She stated that the Johnson's, herself, Max and Steph Grady, Scott Wohlers and Mrs. Francis were never against the trails. They just didn't want them up next to their property, but for some reason the Johnson's have been targeted. She stated that she read the paper and all that was supposed to happen was cleanup. Her opinion is that a bunch of people got together and just mowed their way through just to prove a point. She also stated that what was put in the paper and what was actually done were two different things. Storm stated that nobody is working together on the city council, and suggested that when the minutes are being typed maybe the City should start saving the tapes. Jack Winther stated that the reason the trail is wide is because it used to be a road. At some

point they plan to limit the access so that cars can't get in there. He stated that at a previous meeting it was discussed that if someone got hurt up there how would a truck or an ambulance get in there. This would be an access point for an emergency vehicle. He also stated that some of the trees that were cut were dead trees that posed a hazard. There were some live trees that were cut, but they were hanging precariously over the trail. He stated that most of the big live trees would not be cut. He stated that this is going to be an ongoing project, and it could take years to finish it to the way people would like to see it. He talked about some future projects within the park. He stated he got from the last meeting that the lower trail could be started. Nikki Allen stated that when the Park Board and Park Committee met, it was her understanding that they could clean up on that side of the ravine, including the trails. She asked to make sure before she left the meeting, and everybody said yes. She also stated that when they cleaned up in there, they didn't take out anything much bigger than three inch trees. When they drug the branches out of there, they laid the grass and weeds down so it appeared that the paths were wider. Allen invited anyone who is complaining to join them to see exactly what they are doing and see if their hard work and dedication is worth it. She stated that instead of always hearing what they do wrong, it would be really nice to hear from someone that they really appreciate everyone for volunteering. Tom Hoff stated that we have a great town, and we have some great facilities. He said with the pool comes a lot of traffic, loud music and bright lights. He stated that he could have complained and demanded a privacy fence, but he didn't have a right to do that. His privacy stops at his property line, and he has no rights beyond that line. He stated that the trails would be a great asset to this town. Laurie Storm stated that she appreciates what Nikki Allen has done. She also stated that we all need to be on the same page and work together with no more fighting and bickering. Chris DeWitt stated that they have walked in the park, and it is beautiful up there. She appreciates what's been done, and she stated that nothing has been destroyed. She also stated that what has been discussed with regard to cleanup at the previous meetings is exactly what has been done. Mike Johnson stated that he helped work at the park, and the only trees that were taken out were the ones that were marked. The trail in question was actually a roadway, and they used to run a road grader in there and that's why it is so wide. He also stated that none of the big trees have been taken out to open up the canopy to let the sun in yet. They stayed on the northwest side of the ravine and never crossed over it. He also invited anyone to go look at the trees that had been taken out and look for a red X because that's how the ones were marked that needed to come out. Mike Johnson also stated that he worked at the City Park and had a really great crew, and he thanked Council Member Crum for showing up to see what they were doing. Tom Hoff thanked all of the volunteers and stated that they were in pretty good shape for completing the project way ahead of time.

Chamber update: Nikki Allen reported that the 4<sup>th</sup> of July Celebration is their priority right now. The carnival will be here from the 30<sup>th</sup> of June through the 4<sup>th</sup> of July. The Chamber is also discussing ways to fix up the downtown.

	CLAIMS	
ACCO	CHEMICALS	\$ 2,232.54
BANKERS TRUST	PRINC/INT WATER REVENUE BOND	\$ 92,072.50
DANNY CHRISTO	HEALTH DED. REIMBURSE	\$ 1,500.00
COLLINS CONSTRUCTION LLC	ROOFING/HAIL DAMAGE	\$ 7,375.00
DES MOINES STAMP MFG CO.	STAMP	\$ 30.70

FIRST NATIONAL BANK	PAYROLL TAXES	\$ 2,416.78
LOIS HALL	CONTRACT SERVICE	\$ 459.74
HARRISON CO LANDFILL	ASSESSMENT	\$ 3,197.00
HARRISON CO. R.E.C.	UTILITIES	\$ 276.22
HELLER IMPLEMENT INC	KUBOTA PARTS	\$ 515.01
HORIZON EQUIPMENT	MOWER BLADE	\$ 43.03
I P E R S	PENSION	\$ 5,351.41
SALVO,DEREN,SCHENCK,	LEGAL FEES	\$ 384.00
LOGAN AUTO SUPPLY	TOOLS/PARTS	\$ 88.10
LOGAN CEMETERY ASSOCIATION	YEARLY FEE	\$ 2,500.00
LOGAN COUNTRY STORE	FUEL	\$ 42.35
LOGAN DO IT BEST HARDWARE	DEHUMIDIFIER/MULCH/UPS/SUPPLIES	\$ 809.54
LOGAN HERALD OBSERVER	PUBLISH	\$ 623.23
LOGAN PUBLIC LIBRARY	REIMBURSE	\$ 4,725.00
LOGAN SUPER FOODS	CLEAN SUP/TRASH BAGS	\$ 44.69
DAVID LOVELL	LEASE WELL FIELD	\$ 1,200.00
DENNIS LOVELL	LEASE WELL FIELD	\$ 1,200.00
ROD MEEKER	BRANCH REMOVAL/CLEANUP	\$ 200.00
MID AMERICAN ENERGY	UTILITIES	\$ 4,365.31
PAPILLION SANITATION	TRASH REMOVAL	\$ 68.50
PUBLIC SAFETY CENTER INC	BATTERIES	\$ 30.00
S.E. SMITH & SONS	PARK SHELTER MATERIALS	\$ 2,006.16
SOUTHWEST IOWA PLANNING COUNCIL	ADMIN CDBG HOUSING	\$ 3,149.00
TOWN & COUNTRY ARTS OF HARR CO	DONATION	\$ 50.00
TREASURER, STATE OF IOWA	PAYROLL TAXES	\$ 1,865.00
TREASURER STATE OF IA	SALES TAX	\$ 1,635.00
JOHN EUANS	VALVE EXERCISE	\$ 1,032.00
ULTRA NO TOUCH	CITY VEHICLE WASH	\$ 30.00
UPPER BOYER DRAINAGE DIST.	DRAINAGE TAX	\$ 57.94
VERIZON WIRELESS	CELL PHONE	\$ 106.63
WARNER INSURANCE AGENCY	2012 INSURANCE	\$ 52,868.00
WINDSTREAM	TELEPHONE	\$ 300.63
ANGELA WINTHER	MILEAGE/MEALS TRAINING	\$ 58.88
	TOTAL	\$ 194,909.89
	PAYROLL THRU 5-4-12	\$ 8,675.13
	PAID TOTAL	\$ 203,585.02
FUND SUMMARY:	GENERAL FUND	\$ 60,970.47
	LIBRARY	\$ 1,844.53
	ROAD USE	\$ 5,916.88
	TRUST AGENCY	\$ 12,205.00
	URBAN HOUSING GRANT	\$ 3,149.00
	WATER	\$ 112,837.60
	SEWER	\$ 5,161.54
	SELF-INSURANCE	\$ 1,500.00
		\$ 203,585.02

Motion was made by Clark and seconded by Crum to adjourn. 5 ayes.  
 Angela Winther, City Clerk/Administrator  
 Attest: Randy Fetter, Mayor