

CITY OF LOGAN
CITY COUNCIL MEETING
CITY HALL, 108 W. 4TH STREET
July 8, 2013

At 7:00 P.M. Mayor Pro-Tem Foutch called the meeting to order.

Agenda item 2 was the Pledge of Allegiance.

Agenda item 3 was roll call. Those present were Council Members Crum, Johnson, Clark, Lefeber and Mayor Pro-Tem Foutch.

Agenda item 4 was to approve the agenda. Motion was made Johnson and seconded by Clark to approve the agenda. 5 ayes.

Agenda item 5 was to approve the consent agenda which consisted of approving the minutes of the 6-24-13 regular city council meeting and minutes from the 6-26-13 special council meeting, set a date of Monday, July 22, 2013 for a regular city council meeting, approve the Claims Register and Cash Report and approve a building permit for Gary Ervin, 202 W. 5th St., sidewalk. Motion was made by Johnson and seconded by Crum to approve the consent agenda minus the Claims Register and put that towards the end of the meeting. 5 ayes.

Agenda item 6 was to approve a Class C Beer, Sunday Sales, Carryout Native Wine permit for Logan Country Store. Motion was made by Crum and seconded by Clark to approve a Class C Beer, Sunday Sales, Carryout Native Wine permit for Logan Country Store. 5 ayes.

Agenda item 7 was to approve closing a portion of the alley between N. 3rd Ave. and N. 4th Ave. and 7th St. and 6th St. on July 27, 2013 for Doc's Roadhouse for a fundraiser for West Harrison Special Olympics. There is a map on file at City Hall. Motion was made by Johnson and seconded by Clark to approve closing a portion of the alley between N. 3rd and 4th Ave. and 7th St. and 6th St. on the 27th for Doc's Roadhouse fundraiser for the West Harrison Special Olympics. 5 ayes.

Agenda item 8 was to discuss and approve Memorandum of Understanding from Home & Public Health. This memorandum establishes a relationship of cooperation between the Harrison County Public Health Department and the Logan Community Center to provide a physical facility to store personnel who are providing emergency public health services to designated populations affected by a disaster or public health emergency. Crum asked if we already have an agreement with the Red Cross similar to this and which group would take precedence if there was an emergency. This item was tabled pending clarification on the agreement with the Red Cross. It will be put on the July 22nd agenda.

Agenda item 9 was to appoint Randy Fetter to the Planning & Zoning Commission. There are two open seats. Motion was made by Clark and seconded by Crum to appoint Randy Fetter to the Planning & Zoning Commission. 5 ayes.

Agenda item 10 was an update on the chicken ordinance. Lefeber is putting this together, and he stated he is open to any ideas that anyone might have to help with this.

Agenda item 11 was Alegent Health personnel to discuss renovation of the Logan Clinic. Bob Valentine stated that they would like to expand and renovate their current clinic in Logan. They would like to discuss it further with the city.

Agenda item 12 was to discuss city water fluoridation. Johnson and Dr. Hieb discussed the pros and cons of putting fluoride in the city's water.

Agenda item 13 was to discuss the following Police Department items: 1) cell phone allowance, 2) transition issues/interim procedures, 3) STEP fund filing, 4) shift coverage (two officer and one officer scenarios), 5) stipend, 6) squad car camera footage, 7) Explorer status and 8) supplies including ammunition. The Police Committee will meet and put some items together for the meeting on the 22nd.

Agenda item 14 was to approve Resolution 13-16: A Resolution providing for reduction of interest rate for Sewer Revenue Bond. Motion was made by Johnson and seconded by Crum reducing the rate on the Sewer Revenue Bond. 5 ayes.

Agenda item 15 was the City Administrator's report. Mayor Pro-Tem Foutch stated that he had vetoed Resolutions 13-12 and 13-13 at the June 24th meeting on the advice of the Iowa League of Cities. The League then clarified that Iowa law does not allow elected officials to vote on something and then later have the veto power. The League of Cities suggested that the City go with a legal opinion from their attorney. The Council got an opinion from the city attorney, and his opinion was that the Mayor Pro-Tem cannot veto. If the Mayor does not take any action in 14 days, the resolutions pass. Mayor Pro-Tem Foutch did not sign the resolutions. Vicki Schroder is the City Clerk and the resolutions have passed. The following motion was made by Johnson and seconded by Clark: 1. On behalf of the City Council of Logan, the City Attorney shall file a Declaratory Judgment Action against Mike Foutch, Mayor Pro Tem, confirming: a. The validity of Resolutions 13-12 and 13-13 as passed by the City Council on 6/24/13 in light of the purported Veto by Mayor Pro Tem; b. The power/limitation of the Mayor Pro Tem to veto resolutions 13-12 and 13-13; c. The Mayor Pro Tem's interference with officers and/or employees carrying out their duties. 2. On behalf of the City Council of Logan, the City Attorney shall file for a Writ of Mandamus against, Mike Foutch, Mayor Pro Tem to: a. Allow/grant Vicki Schroder possession of the City Administrator's office pursuant to the passage of Motion on 2/18/13 and the passage of Resolution 13-12 on 6/24/13; b. Pay her wage as set by resolution 13-12 and to authorize payment as outlined in resolution 13-13; c. Prohibit Mayor Pro Tem from interference with Vicki Schroder as City Administrator. Mayor Pro Tem Foutch refused to call the vote because it was not on the agenda. No action was taken.

Agenda item 16 was Mayor Pro-Tem comments. During this time Scott Muxfeldt talked about a pump that had gone out at the main lift station. It will cost \$14,000 to fix the pump and \$24,000 to replace it. He let the Council know that this is something that has to be done, and his recommendation was to fix it.

Agenda item 17 was citizen's questions/comments. There were none.

The next item was to approve the Claims Register. Motion was made by Johnson and seconded by Crum to approve the Claims Register. 5 ayes.

CLAIMS

ACCO	CHEMICALS	\$513.50
AGRILAND FS	FUEL	\$1,365.88
AMSAN LLC	FLOOR FINISH	\$165.90
BRENDA WITTIG-BOLTE	REIMBURSE SWIM TRUNK	\$16.95
CJ'S FUTURES,INC.	LANDSCAPING	\$898.75
CLARK PEST CONTROL	PEST CONTROL POOL	\$40.00
FIRST NATIONAL BANK	PRINC-WATER REV NOTE	\$40,332.90
GERHOLD CONCRETE COMPANY	CONCRETE 1ST ST/4TH A	\$277.37
GLOCK, INC.	MAGAZINES	\$138.00
KYLE GRABER	NOTARY STAMP	\$32.14
LOIS HALL	CONTRACT SERVICE	\$468.94
HARRISON CO DEVELOPMENT CORP	28E AGREEMENT	\$869.06
HARR CO HUMANE SOCIETY	28E AGREEMENT	\$194.30
HARRISON CO LANDFILL	ASSESSMENT/TIPPING	\$3,242.00
HEARTLAND TECHNOLOGY SOLUTIONS	SWITCH	\$420.02
HENNINGSEN CONST, INC	COLD PATCH	\$1,196.25
HORIZON EQUIPMENT	3720 JOHN DEERE	\$9,382.50
STATE HYGIENIC LABORATORY-AR	TESTS	\$40.00
IOWA ASSOC OF MUNICIPAL UTIL	JULY/SEPT 13 DUES	\$573.62
IOWA DEPT.OF NATURAL RESOURCES	WATER SUP FEE FY14	\$179.13
IOWA LEAGUE OF CITIES	DUES FY 13/14	\$802.00
I P E R S	REGULAR IPERS	\$3,948.15
LATTA DRAINAGE DISTRICT	DRAINAGE TAX	\$500.00
LOGAN AUTO SUPPLY	CIRCUIT BREAKER/RELAY	\$116.77
LOGAN CAR CARE	TURN SIG REP/98 INT'L	\$242.53
LOGAN DO IT BEST HARDWARE	TONER	\$754.94
LOGAN HERALD OBSERVER	PUBLISHING	\$140.32
LOGAN PUBLIC LIBRARY	REIMBURSE	\$1,682.85
LOGAN SUPER FOODS	CONCESSIONS	\$1,029.67
LOGAN WATER DEPARTMENT	DEPOSIT REFUND	\$235.58
MARILYN KEIZER	2ND QTR MILEAGE	\$61.70
MARY MICHAEL	REIMBURSE MESH BAGS	\$17.88
MID AMERICAN ENERGY	UTILITIES	\$7,510.55
ANDREW MOORES	JET VAC 6TH ST/4TH AVE	\$190.00
PAPILLION SANITATION	TRASH REMOVAL	\$115.00
LAW OFFICES OF AARON RODENBURG	LEGAL FEES	\$2,265.00
SAMS CLUB	CONCESSIONS	\$558.65
DONNIE SCHNECKENBERGER	CR BAL/DEPOSIT 65604	\$149.21
SOUTHWEST IOWA PLANNING COUNCI	FY13 DUES	\$997.00

JESSICA TENTINGER	DEPOSIT REFUND	\$55.00
TREASURER, STATE OF IOWA	STATE TAXES	\$1,389.00
UPPER BOYER DRAINAGE DISTRICT	WATER LINE TAX	\$1,057.94
VERIZON WIRELESS	CELL PHONE	\$111.52
WARNER INSURANCE AGENCY	2013 JD MOWER	\$279.00
WATER GEAR INC	RESCUE TUBES/COVERS	\$405.60
WINDSTREAM	TELEPHONE	\$307.96
WINNELSON CO	PVC VALVE	<u>\$23.52</u>
	TOTAL	\$85,294.55
	PAYROLL THRU 7/7/13	<u>\$17,464.13</u>
	PAID TOTAL	\$102,758.68
FUND SUMMARY	GENERAL FUND	\$38,739.12
	ROAD USE	\$12,163.93
	DEBT SERVICE	\$8,997.20
	WATER	\$39,279.10
	SEWER	<u>\$3,579.33</u>
		\$102,758.68

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

Marilyn Keizer, Deputy City Clerk
 Attest: Mayor Pro Tem Mike Foutch