

CITY OF SIGOURNEY, IOWA
MINUTES OF REGULAR CITY COUNCIL MEETING OF
WEDNESDAY, JUNE 1, 2022

The Sigourney City Council met in regular session in the Council Chambers at City Hall on Wednesday, June 1, 2022, with Mayor Morlan presiding and the following Council members answering roll call: Isobaker, Lentz, Tish, Clark, Conrad and McLaughlin. Others present were: Gail McLaughlin; Martha Kragness; Don Northup, Director of Public Works I; Brent Gilliland, Director of Public Works II; and Angie Alderson, City Clerk.

The meeting was called to order at 6:00 p.m. Council member McLaughlin moved, seconded by Council member Tish, to approve the tentative agenda. Upon the roll being called, the following voted Ayes: Isobaker, Lentz, Tish, Clark, Conrad and McLaughlin. Nays: None. Motion approved.

Council member Clark moved, seconded by Council member Lentz, to approve the following items on the Consent Agenda: minutes of regular Council meeting of May 18, 2022; Council accounts payable claims in the amount of \$34,088.30; Library accounts payable claims in the amount of \$12,434.27; Resolution No. 2022-06-01 re: Temporary Closing of Streets for the Beer Tent During the July 4th Celebration; Resolution No. 2022-06-02 re: Temporary Closing of SADC Avenue for the Fireworks Display on Monday, July 4, 2022; Resolution No. 2022-06-03 re: Application for Tax Exemption for Bruce Beinhart at 317 West Clark Street; credit card report; and the time and place for the June 15, 2022 regular Council meeting will be at 6:00 p.m. at City Hall. Upon the roll being called, the following voted Ayes: Isobaker, Lentz, Tish, Clark, Conrad and McLaughlin. Nays: None. Motion approved.

Council member McLaughlin moved, seconded by Council member Lentz, to approve the remaining item on the Consent Agenda: minutes of May 12, 2022 special Council meeting. Upon the roll being called, the following voted Ayes: Isobaker, Lentz, Clark and McLaughlin. Nays: None. Abstain: Tish and Conrad. Motion approved. *(Council members Tish and Conrad abstained as they were unable to attend the May 12, 2022 special Council meeting.)*

Additional City Business: Council member Isobaker stated that he had originally asked that a qualified advocate for the City and the property owners for the oversight of the Façade Project – Phase 1 item be placed on the agenda. This was based on a comment that was stated in a previous meeting that the City does not need an advocate but an observer. By having a qualified individual overseeing what is happening on the Façade project and to be able to tell if things are being done correctly or not. We have some means at our disposal to try to keep the contractor in line and if we are not able to be satisfied in a defensible position, we can take further measures. The idea of being able to bring a bondsperson into the equation as a way to get the contractor's attention is very attractive. But we need an observer there to know what is being done and whether it is being done correctly. Council member Tish asked if there has been research done on someone, we could use for this. Council member Isobaker stated he has three potential names: Roger Allar, Terry Wonderlich and Doug Glandon. These seem to be the three people that are qualified. Council member Tish asked if they were willing. Council member Isobaker responded that they have not been approached. Council member McLaughlin questioned whether spending the extra money when we do have a contractor. She knows that Amanda (*Snakenberg*) was going to get a list of the things that are not correct with her building. She has not seen this, and she would still like to approach Curtis with this, so see what he is going to do about that if anything at all. She is torn about spending the money for somebody when the contractor has not really been approached, she does not believe, with the problems with the store fronts. Mayor Morlan stated that at the end of a project the architect has a check list he goes through to make sure that everything has been done properly and payment is not made until items are correct. Council member McLaughlin asked why the City would spend money hiring somebody then when that is going to be addressed in the end to the owner's satisfaction. She is in this dilemma because she does not know what the right thing to do is. She understands that the property owners are concerned that things are not being addressed and she does think that somebody should oversee it. That is why we hire a contractor and why he is in the position that he is in. She does not have knowledge of what is the right way to do it, but she does think it is sad when the City has to spend extra money to hire somebody to do a job that they are supposed to do in the first place. Mayor Morlan is mixed about it also. Because it would be nice to have someone there to catch a mistake that was made or something that should have been done better and had it corrected before the project is finished where they would have to tear something out and redo it. Council member Clark said it was his understanding that we said this observer has no teeth. He is just simply there to observe. So, if he sees something wrong and he approaches the contractor and the contractor says I am doing it any way, there is no stopping him. Council member McLaughlin stated that makes even less sense. Council member Clark asked if that is not how it was presented to them. Council member Isobaker stated that is his understanding that yes, the contractor can proceed

as he wishes, and the observer would not be able to prevent the contractor from doing whatever he wanted. The point is we do not appear to have an advocate on site. He would hazard to speak for Amanda as she should speak for herself. It is his understanding that this has been brought to Rod Curtis' attention and it was not productive. The notion of having someone who is qualified in the construction industry and can make defensive comments can help us make our case if one needs to be made. He is under the impression that unfortunately this is near to the end of the contract period if we are talking about a final payment. One reservation Council member Iosbaker does have is he recalls sitting in a Council meeting and the Council was contemplating rather to release the reserve on a project and the Council elected to go ahead and release it because it was stated that the reserve on a \$900,000.00 project was not large enough to get the attention of a contractor. Therefore, withholding it would be pointless. If he remembers the conversation correctly. To him it appears that the City has almost no power in the equation as it stands today. Mayor Morlan stated he has witnessed a couple of things that were not done right or something that was brought to his attention and of course they don't have to listen to him, so he called Rod Curtis, the architect, and told him there is a problem here and this is being done this way and it is up to Mr. Curtis to make it right. Mr. Curtis stated he would call Mr. Grooms and discuss it with him. Mayor Morlan stated that in a way he is operating as an advocate, and he is sure that everyone knows that he was in the construction part of working with a structural engineer. He is familiar with this stuff, but for Phase II it might be worth looking into an advocate, but for Phase I it might be too late. Council member McLaughlin would like to give the contractor in place a chance to fix what he is supposed to fix without spending any more of the City's money hiring somebody who may or may not be beneficial. It just does not make sense to her that if there is a list supposedly of things not up to par and she does not know if the contractor has been contacted, so she would like to give him a chance to make things right before we hire somebody to oversee that may or may not be able to help. Mayor Morlan stated he would throw this in as well, there are a couple of items in Barn Wired that were not done correctly, and it is at the point now where it is pretty much too late to fix it. It would mean tearing up a floor and tearing out a wall. He just does not see this happening, but the quality was not there. Council member Conrad stated when we do projects with French-Reneker engineering the project, the contract is written with that person in mind. When the engineering agreement is done, we pay for it, and they provide it. In this one, the contract with Rod would show he would have someone there to inspect, but the contract does not, so this is a lesson learned. Council member Conrad would like to suggest that in the future we do this. He would like to have someone monitor this, but the concern is whether or not they would have access to do so. Example when the contractor is on the roof tops, the observer might not be able to go there as it might not be safe, so there are certain times they may not be able to view. The contractor could effectively cut them off as they are not a contractor. If this were at the first 25% and not where we are today, he would be much more in favor of it. He would like to do this when we move into the next Façade program if we get it, he would be much more in favor of drawing up the design with something in it like the inspector / observer. Then it gives the architect or engineer the obligation to let them observe and not rely on something being told to them. It does make the cost of the project more expensive as we would pay for that, but if during the course of time it would eliminate some of these things or make sure they are tended to at the time they are supposed to be. Mayor Morlan stated that ordinarily the projects he worked on in Omaha there was someone there monitoring and inspecting on the job site all the time, but he is talking million-dollar jobs and up. He has been up on the roof at least six times now and has caught some of the things. Council member Tish asked if Rod Curtis has been here at all, and Mayor Morlan stated that he has been here a couple of times. Council member Clark asked since the City is aware of the concerns of the businesses and the City is the one that has the contract with the contractor, now knowing what we know can the businesses come back on the City. Mayor Morlan answered yes. Council member Conrad stated that is something we would need to ask our City Attorney. Council member Clark's concern is the City knows the issues and does nothing. Council member Conrad stated that he would love to have it, but he is concerned that these would be expenses that he does not know what they will do. If the contractor wants to move ahead full force, he will come up with some excuse not to let an observer in – it is not safe, etc. It is not the City's property. He is concerned that we should be doing this whether it is going to cost \$20,000.00 more or not. That would not be his concern. It is more whether or not it is going to do any good. Council member Iosbaker stated it seems to him with the situation as it stands today, we have zero leverage. And we are the contract holder with the businesses and if it were him, he would be looking to the City as the entity that he is contracting with to be his advocate in this situation. It seems like it is an obligation. Council member Clark asked what we were looking at for money and Council member Iosbaker responded that he truly does not know. Council member Conrad asked how much time do we want someone there. Do you want somebody on site forty hours a week or more. Does someone like that get paid \$30.00 an hour - \$1,200 bucks a week plus whatever for another ten weeks. Mayor Morlan stated that anyone that is professional enough could be anywhere from \$35.00 to \$50.00 an hour. They would not need to be here forty hours a week, he thinks maybe two to three hours a day would cover it. Council member Conrad stated that then we would not be observing what they do for the rest of the day. Council member Tish asked if anyone knew on the current project where we were percentage wise. Mayor Morlan stated they are working on

store fronts now and roofs should be finished in two weeks, hopefully. Barn Wired is supposed to be finished the end of this week, but he does not think they will be. Council member McLaughlin asked if the buildings had rain from the last rain and Council member Tish stated she did. Council member Tish stated she is in favor of getting more information on the names that Council member Iosbaker has to see if they are willing to. She also stated that Council member McLaughlin wanted a list from Amanda, but Amanda is not specialized in that area and is not going to know. She thinks we still need to get the information, but if we could get the information from the three to see what they would charge to look at things as they are now. Mayor Morlan stated that the items they are talking about are not structural and are not anything that would hurt anybody. It is just appearance; things are not matching up quite right. Council member Tish thought we would have to look at this Phase and what the City would want a person to do to finish out this one. Let us get an idea of where we are at. Then we need to look at everything else going into the next Phase and any future Phases. Council member Conrad asked if there was any money in the project or do we need to find a source for it. City Clerk Alderson answered the City's share is supposed to be \$250,000.00, but we borrowed \$300,000.00 just to be safe. There is already a half of a parapet wall that we have to pay for. A lot of this depends on how everything comes out at the end of the day, but do not be surprised if we do not need more than the \$250,000.00. She is not saying there will not be extra, but until we know what the contingencies are at the end of the project, she cannot say with one hundred percent certainty that there will be extra money. Council member Conrad asked what the requirements would be if the City is hiring a part-time employee as far as hiring them. Do we need to post this. City Clerk Alderson asked if the City would be contracting with them so they carried their own insurance or would the City hire them as an actual employee. That is effective on what is done. Council member Tish stated that could depend on where they are paid from. City Clerk Alderson stated she could talk with John Wehr, City Attorney, or call Ahlers and Cooney. City Clerk Alderson stated she could call Iowa Economic Development Authority and ask if this is a problem. Council member McLaughlin asked if any of the other towns have hired anyone to observe. City Clerk Alderson stated that she has talked with Brad Grefe, Area 15 RPC, and none of the cities he has worked with hired an observer. This is a different contractor as well. Brad did state this is the first cycle of roofs being allowed. Council member Tish asked if the other towns had contracts set up differently. City Clerk Alderson stated that she has seen some of Oskaloosa's contracts and she thinks they are the same. Council member Tish thought that maybe the business owners did not have contracts with the City, so the City did not have the liability. City Clerk Alderson stated that unless one of the last phases were different, they did this the same. Council member Tish asked if it were possible to have a "middleman" if we do another phase and City Clerk Alderson answered that would need to be asked. Director of Public Works I Northup asked how long the bond was on the project. City Clerk Alderson stated she thought the project went through December of this year. Director of Public Works I Northup meant how long after the project is done. City Clerk Alderson stated she thought the easements were for seven years and did not know if it would last that long. Council member Tish asked if this was like a warranty for the contractor's workmanship if a problem is found they have to come in and fix it. Council member Iosbaker is open to contact the names he has and talking with them regarding this project. Council member Conrad moved, seconded by Council member Iosbaker, to table this issue until the next meeting and gather some additional information. Upon the roll being called, the following voted Ayes: Iosbaker, Lentz, Tish, Clark, Conrad and McLaughlin. Nays: None. Motion approved.

Council member Iosbaker moved, seconded by Council member Lentz, to approve Resolution No. 2022-06-04 re: Quit Claim Deed for the property located at 309 West Elm Street from the City of Sigourney, Iowa and to authorize the Mayor and City Clerk to sign. Upon the roll being called, the following voted Ayes: Iosbaker, Lentz, Tish, Clark, Conrad and McLaughlin. Nays: None. Motion approved.

City Clerk Alderson stated she has a contract from Tyler Richton and the High Bank Boys. The contract is for \$3,000.00 and \$100.00 for their DJ to play before the concert. In the contract there is a request for alcohol and food. Ashley Fry, Office Assistant, is trying to make arrangements for the food vendor to feed the band and sound person in lieu of a vendor fee for supper. Council member Iosbaker asked if this was in line with previous contracts. City Clerk Alderson stated that in the past the alcohol was taken care of privately. Council member Tish asked if the alcohol could come out of the contract and the City give them an additional \$100.00 to purchase their own. Council member Iosbaker moved, seconded by Council member Tish, to approve the music contract with the change that they remove compensation for alcohol and the City will bump up the compensation by \$100.00 for a total of \$3,200.00. Upon the roll being called, the following voted Ayes: Iosbaker, Lentz, Tish, Clark, Conrad and McLaughlin. Nays: None. Motion approved.

There were three change orders for the parapet walls for three of the building owners. Council member Conrad asked if this was due to having the roofs put on and Mayor Morlan answered yes. Council member Conrad moved, seconded by Council member Tish, to approve Change Order #8 for Sigourney Facades – Phase I for 119 East

Marion Street, Change Order No. 9 for Sigourney Facades – Phase I for 117 East Marion Street and Change Order No. 10 for Sigourney Facades – Phase I for 115 East Marion Street. Upon the roll being called, the following voted Ayes: Iosbaker, Lentz, Tish, Clark, Conrad and McLaughlin. Nays: None. Motion approved.

Council member Iosbaker stated that SADC (Sigourney Area Development Corporation) has kicked off the child-care survey process with Early Childhood Iowa. There are three surveys – one for employers, one for providers, one for current and soon to be parents. The survey will be released Monday and run through the 15th of July. Following that Early Childhood Iowa will evaluate the results and present SADC with a report in late August. Once the report has been received and digested, they will work together with Early Childhood and Indian Hills and hopefully the school districts to put together a three-to-five-year strategic plan to implementation. A working committee has been formed. This committee is made up of Hunter Bruns, Lucas Meier, himself, Holly and the Mayor of Richland. They are still working on getting someone from Keota. Delta and What Cheer are interested but they have not had anyone step up yet. This is a county wide project to fulfill the needs, not just for Sigourney. Farmer's Market started this evening. They are also in the final preparation phases of the car show, which is a big draw. The website is still going, and they have commitments from the students to work through the summer. They believe they can have a functioning website by August. They are making excellent progress.

Water and Wastewater: Director of Public Works II Gilliland explained Alliant Energy was going to run gas out to the lagoons. They were quoted a very high price of \$27,000.00 and it was decided to go with propane. The contract is to get a tank and to contract fuel for the year. The contract is for the tank and installing it and the fuel is at \$2.31 per gallon. Council member Clark moved, seconded by Council member Tish, to approve the FS Firm Price Propane Deferred Agreement. Upon the roll being called, the following voted Ayes: Iosbaker, Lentz, Tish, Clark, Conrad and McLaughlin. Nays: None. Motion approved.

Martha Kragness was present to talk about her property at 915 South Main Street. She does not live in this house. It has not been actively rented since 2019. At that point in time the renter got a contract for a house and moved out the essential things to set up a new house and left the rest of it. In the process they were in and out and got rid of most of it. She did not have a water bill during that period of time. She did not have a water bill in 2020. City Clerk Alderson stated that there was a sewer bill. Mrs. Kragness agreed. City Clerk Alderson stated that she had talked with Sherrie and reviewed the account. City Clerk Alderson understood that the water was to be shut off at the curb, so the water was not charged. That was being paid every month. It looks like sometime in July of 2021 the water was turned on and the meter showed usage of 7,000 gallons. Sherrie thought this was turned on, a problem was found, and it was turned right back off. Mrs. Kragness did not think so. It has not been on in the computer since April 2021 up to that point we were charging sewer. The high reads had not been billed and Sherrie thought Mrs. Kragness were trying to figure out what the problem was and have it fixed. Sherrie had printed out a history and there were approximately four months where the meter read a usage of anywhere from 3,000 to 8,000 gallons per month. Mrs. Kragness does not understand how she used water when the house was not occupied. City Clerk Alderson stated that if there is a leak it could have gone through the meter at some point. Mrs. Kragness is assuming there is a leak some place. Mrs. Kragness stated that after she was finally able to get into the house the upstairs toilet was replaced, and it is not leaking. The downstairs toilet is not leaking. Council member McLaughlin asked if there was a water heater that could be leaking and Mrs. Kragness stated there is a water heater there, but it is not being used. She stated she was taking a gallon jug of water across the street to water her garden. She thinks probably it stemmed from sometime in April when they were doing some concrete work and the water was shut off at one point in time. In April of 2021 they were doing the sidewalk and she had a conversation with the personnel who was working there. They stated they would be done soon and would be back to reseed. They tore up her front yard a little bit. She asked how soon she could expect this, and they said soon. Anyway, it did not happen – they did not come back to reseed. They did not mark where the water intake valve was, and she hit it with her lawn mower as she was attempting to mow the grass down and ruined a tire on her lawn mower. She has not had water since that point in time. Director of Public Works II Gilliland stated the meter is not going to read unless water went through it. City Clerk Alderson stated that in July of 2021 that 7,000 gallons went through the meter, August and September of 2021 3,800 gallons went through each month, and October 2021 almost 6,500 gallons went through. Then it stopped up until March of 2022 and then it used 4,500 gallons. Now again it has not done anything the last couple of months. Council member Clark asked how much money this was, and City Clerk Alderson responded it was \$370.00 for 26,700 gallons. Mrs. Kragness stated that when she came in to ask about this, she received a read out which starts in October 2021 and then there is one for November through May and she really does not understand how she can be using water. Sherrie had requested that Mrs. Kragness put dye in the toilets to see if there was any leakage and there was not. She even did it twice. Council member Conrad asked if the water is currently on or off and it is off. Mrs. Kragness stated she said to shut the water off, and she had assumed all along that the water was off, because she was not

using it. If the water were on, she assumed she would have gotten a bill for it. City Clerk Alderson stated that Sherrie was not positive, but for whatever reason the water was turned back on in April and these came through. These were not paid. Council member Clark asked Mrs. Kragness why she had the water turned back on. Mrs. Kragness stated she did not ask for the water to be turned back on. She monitors the temperature in the house and the water heater, and it never dropped below 50 degrees, so there was no reason for her to turn it back on to keep the pipes from freezing. She reiterated that she never requested that the water be turned back on. Council member Conrad asked how much she was asking to be forgiven. City Clerk Alderson stated the entire bill is for \$369.00 and she was assuming just the water portion. Mrs. Kragness stated the letter she has states she owes \$340.22 and there will be an additional . . . There are not any penalties on this. Council member Conrad stated that if this is forgiven then the City will continue to bill Mrs. Kragness for the sewer unless she decides to have it disconnected at the main. Council member McLaughlin reminded the Council that we have had others come and the Council chose not to do that. Whatever we do we have to remember that other people have leaky water heaters and toilets. It does happen and we will be faced with this again. She reminded the Council that whatever they do they will be faced with this again. Mayor Morlan asked if the hot water system could be leaking and need to be replenished all the time. Mrs. Kragness stated that when she monitored the water heater there was not any water on the floor or anything to indicate there was a leak there. Mrs. Kragness asked if this has been going on since October 2021 why was not, she notified sooner. Then all of a sudden getting a large bill in May. City Clerk Alderson stated that when Sherrie understood that the water was on, she had not had the water turned on in the computer and so she was not getting those reads. She was under the impression that the water was requested to be turned on and then all the reads came through. Sherrie wondered if someone was living there, and Mrs. Kragness had told her no. Sherrie did offer a contract to help pay this over time. This is not penalized. Council member Clark reiterated that it was so high because it had not been turned on in the computer. It was not being read. This could have possibly been prevented had it been turned on in the computer and the bill was being paid all along. Director of Public Works II Gilliland stated that he turned the water on and then shut it off two days later, but he does not remember exactly when. City Clerk Alderson stated she was assuming that it was turned on in April 2021 and then Mrs. Kragness requested that it be turned back off once we realized there was a problem. Mrs. Kragness stated that she assumed it was shut off when the concrete work was done, and she had not used any water all summer. Council member Conrad stated that she received the bill in May for the usage and then immediately brought this to our attention and she immediately asked for the water to be shut off. So, it is not like this has been accumulating. Council member Conrad moved, seconded by Council member Clark, to forgive the water portion bill for 915 South Main Street. Upon the roll being called, the following voted Ayes: Iosbaker, Lentz, Tish, Clark and Conrad. Nays: McLaughlin. Motion approved.

A Water Committee meeting was set for Wednesday, June 8, 2022 at 3:45 p.m.

Public Safety: Council member Clark felt that in light of the events that have taken place recently, that we need to put an ad out for a Police Chief. After the last meeting discussing the police department, Council member Clark took away that it is not a situation of wages, it is a situation of the work environment. He does not feel that the City needs to try to bump up the wages so high because that was not an issue. We heard that from the officer that left. They put in the ad a salary of \$55,000.00 to \$65,000.00 based on experience. That gave a little wiggle room. They do feel that it is important that this person is already a certified police officer and has some sort of degree in criminal justice and has supervisory experience. This person is coming in to basically build a police department, so they are going to be dealing with budgets, personnel and equipment and you to have somebody with some sort of knowledge. You cannot just hire someone, certify them and give them a chief role. Council member Lentz asked how the pending statute of limitations comes into this. Council member Clark responded that this is up in September and this person has until then to potentially come back. After that date it is too late. Council member Clark stated he felt we were being forced to do this. Council member Tish asked Council member Iosbaker the numbers he was using for the wages from his slides. Council member Iosbaker stated he was using \$75,000.00 for the chief and then a percentage for the officers. Mayor Morlan stated that he thinks to keep us out of trouble that we need to send an application to everyone that applied for police chief in the past, because his understanding is that they were promised they would be notified if the City decided to hire a police chief. Mayor Morlan stated there is still at least one applicant that keeps contacting the City. Council member Conrad stated that the application can be out there, and the City would not be providing anything new, and he thinks it would be worse not to give them the note of the opening. Council member Clark stated that they talked about trying to put it on the Indeed website, the ILEA website, the police chief website. The Council directed the City Clerk to send a letter and a copy of the ad to be sent to the applicants that had applied in 2020 for the police chief position. The Council discussed the wage range and whether it should be higher. Council member Clark stated that if we start too high in a few years we will have a different group of people here complaining that we are taking money away from them. Council member Conrad stated that the City will always be looking for ways to fund as much as we

can. There are certain things such as safety, the pool, recreation that do not make money, but have to be paid for somehow. The City pays for what they can and go from there. There are restrictions on what we can tax for. Not everything can be offered all the time. City Clerk Alderson asked about how Indeed would work. Applicants have to be accepted or rejected and someone has to do this. Once an application has been accepted that is when Indeed charges. Council member Iosbaker asked about the charges. Council member Clark stated that ILEA is free. City Clerk Alderson stated she checked with the Sigourney News Review to put this in all their newspapers, and it was approximately \$450.00. Council member Clark would like to put this on KBOE. Council member Conrad stated he would just go crazy and not reject anyone. As we stopped the process last time, he does not want to reject anyone. The Public Safety Committee could have a set fee for advertising and make the decisions on where to advertise. If additional funds are needed the Public Safety Committee could come back to the Council and ask for more. Council member Clark moved, seconded by Council member Conrad, to approve posting a Police Chief employee ad in an assortment of advertising to be decided by the Public Safety Committee and not to exceed the amount of \$5,000.00 and to add a testing date in the ad. Upon the roll being called, the following voted Ayes: Iosbaker, Lentz, Tish, Clark, Conrad and McLaughlin. Nays: None. Motion approved.

A Public Safety Committee meeting was set for Tuesday, June 7, 2022 at 4:00 p.m.

Public Input: There was no public input.

The meeting was adjourned by acclamation at 7:25 p.m.

Jimmy Morlan, Mayor

ATTEST: _____
Angela K. Alderson, City Clerk