

# CITY OF SIGOURNEY, IOWA

## MINUTES OF REGULAR CITY COUNCIL MEETING OF WEDNESDAY, SEPTEMBER 6, 2023

The Sigourney City Council met in regular session in the Council Chambers at City Hall on Wednesday, September 6, 2023, with Mayor Morlan presiding and the following Council members answering roll call: Tish, Clark, Conrad, McLaughlin, Iosbaker and Lentz. Others present were: Kevin Hatfield, Superintendent for Sigourney Community Schools; Jerry Wohler; Rodger Aller; Casey Jarmes, Sigourney News Review; Lisa Richardson; Don Northup, Director of Public Works I; Brent Gilliland, Director of Public Works II; Beckie Appleget, Office Assistant; 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: Tish, Clark, Conrad, McLaughlin, Iosbaker and Lentz. Nays: None. Motion approved.

Council member Iosbaker moved, seconded by Council member Clark, to approve the following items on the Consent Agenda: Minutes of the Regular Council Meeting of August 16, 2023; Council Accounts Payable Claims in the amount of \$33,880.62; Library Accounts Payable Claims in the amount of \$5,833.20; City Clerk Financial Reports for June 2023; payroll expenses, miscellaneous expenses, ACH and monthly transfers for June 2023; Mayor's Proclamation 2023-09-01 re: Designation of Halloween Trick or Treat Night; Beckie Appleget to attend the Iowa Municipal Professionals Institute Virtual Meeting October 4-5 at a cost of \$176.00; Beckie Appleget and Ashley Fry to attend the IMFOA (Iowa Municipal Finance Officers Association) Fall Conference 2023 on Thursday, October 21, 2023 in Des Moines at a cost of \$150.00 each and travel expenses; Beckie Appleget and Ashley Fry to attend a Zoom Budget Meeting sponsored by the Iowa League of Cities on Wednesday, November 8, 2023 at a cost of \$50.00 each; Angie Alderson, Beckie Appleget and Ashley Fry to attend a Zoom Budget Meeting sponsored by the Iowa League of Cities on Tuesday, November 21, 2023 at a cost of \$50.00 each; Community Betterment Project; credit card report; and the time and place for the September 20, 2023 regular Council meeting will be at 6:00 p.m. at City Hall. Upon the roll being called, the following voted Ayes: Tish, Clark, Conrad, McLaughlin, Iosbaker and Lentz. Nays: None. Motion approved.

**Additional City Business:** Kevin Hatfield, Superintendent of the Sigourney Community School District, provided a slide presentation on "Portrait of a Learner". Mr. Hatfield reviewed his slides and answered questions regarding this program. Mr. Hatfield thanked Mayor Morlan and Council member Iosbaker for participating in this program.

City Clerk Alderson stated she had talked with City Attorney John Wehr and he suggested the City look into a contractual attorney for further advice concerning the Façade Project. The contracts were sent to Brent Hinders with Hopkins & Huebner, P.C. law firm to review for any conflict-of-interest issues. They are willing to work with the City and charge \$225.00 per hour. Council member Iosbaker reviewed slides he had created. There was a walk-through last week with the architect and representatives for the contractor. There has been very little progress since the last walk through. This is possibly the third time we have looked at the punch list and things are moving extremely slow. It is very difficult for the City to predict when the work is going to be completed at the current pace and the level of effort that seems to be expended. The owners are blocked and have been for some time from moving forward with their individual projects which causes more than considerable inconvenience and expense. The remaining funds with the IEDA (Iowa Economic Development Authority) contract were reviewed and there is approximately \$25,000.00 that have not been claimed plus the remaining funds for the administration. The next steps and recommendations for consideration by the Council are requesting a time extension for the IEDA contract. This would allow us to still claim the remaining funds. There needs to be a formal statement from the architect so the City has his point of view in writing in order to make any progress if the Council decides to pursue legal action so we can get the project done. Two practical options that we currently see are: work with the current construction company and try to get them to complete the project with acceptable quality or seek another contractor to complete the project. The Council needs to decide what they want to do as the project is not getting anywhere. The building owners are in a holding pattern for an indefinite period of time. We do not have any visibility for the conclusion of the contract and there have been ongoing issues with quality and the recommendation is that the Council needs to decide what to do. Mayor Morlan stated that the last four walk throughs that were done, every time one is done, we do not see the contractor here for two, three, four weeks. We discuss what needs to be done and they tell us when they are going to be here and then they just do not show up. Mayor Morlan has been getting very serious with them and letting them know that they are in the penalty phase right now as the contract is up and also that we might be taking some very serious action to make sure this project gets completed. The supervisor on the job currently is very good and he is on fire. Mayor Morlan thinks Rod Grooms wants to get this completed as he knows the City is frustrated and has had it. Mayor Morlan stated that hiring this law firm would allow us to take other actions and get this project moving along as we need to get it finished. One of the reasons to get this finished is 119 East Marion Street owners have two apartments upstairs that were ruined with the roof leak, and she would like to get those finished so she could rent them out again, but according to the contract we cannot have two contractors on the same job. This project has to be completed before the apartments can be completed. The owner of 101 East Marion Street is in the same situation with his commercial space. Council member Tish stated she would like to see more numbers before

anything is decided and more information on what the recommended steps are. The City needs to know what the City is going to possibly be putting into this. Council member Tish asked that with the way the contracts are set up is the City working along with the building owners or are we still separate if the City goes after the contractor. With all the damage 119 East Marion Street has suffered and the loss of income Council member Tish feels that is a key point and as a City she (in her opinion) feels we should stand beside the owner. Both 119 East Marion Street and 101 East Marion Street owners have incurred a lot. She understands something needs to be done, but she would like more information such as an overview of what to expect. Mayor Morlan stated there is not a lot that needs to be finished yet, but the problem is getting the contractor here to do it. They have a two-week schedule now to finish everything, but they are not going to be able to finish the door for 117 East Marion Street as the door has to be reordered and could take two or three months. We are investigating now to see if we can get emergency action, close out the other owners and just leave the door separate from that. That is not very likely. Council member Iosbaker stated that hiring Hopkins would be to learn what we can do, so we can have a grasp of what are options are. This would be consultative input from them so we can chart a course forward. Council member McLaughlin asked if she understood correctly that Rod Grooms has a two-week time period to get everything finished and he has said he would get it done in two weeks. Mayor Morlan stated that yes that was stated verbally and is not in writing. He stated that he was impressed because he received a call from Rod Grooms himself. In the past when Mayor Morlan called the company, he has never been able to talk to Mr. Grooms. Mr. Grooms called the Mayor last Friday night and told him we will get this done; we have to get this done. They are really moving along. They have brought a piece of equipment in because they have to take one of the windows out and put it back in again. Yesterday and today, it looks like they fixed the flooring for Amanda that has been on hold for a while. They have done some touch up things here and there. They are working on the windows. We have a problem with the new windows. They are going to wax the frames to see if they operate better and if not, they are going to call the manufacturer for a warranty situation on those. They are very quickly working on things. They gave Mr. Morlan a two-week schedule and said he (*Rod Grooms*) would put as many people as he needs to here to be finished in two weeks. But talking with the owner of 117 East Marion Street, she is not happy with altering the door they installed for her because they installed a door that was two inches wider than the previous door, so it does not fit right. They have to order a new specialty door and it will take two to three months and that is going to be the big hangup. Everything else, Mayor Morlan thinks, will be done by the end of next week. Mayor Morlan stated they are very serious about moving and getting this done right now. Council member McLaughlin asked if they are going to be done in two weeks, why would the City need to act before the two weeks. If the contractor is going to be done in two weeks with the exception of the door. Mayor Morlan stated that in the past promises have been made and the contractor has not followed through on those. Council member Clark asked if the City would be using this law firm to go after the contractor or lost money for the businesses. Council member Iosbaker stated that we need to find out what we can and cannot do. Council member Iosbaker stated that any actions that we may or may not be able to take, the City is going to need counsel to tell the City what is appropriate. Council member Clark would like to see if there is a way the City can help recoup the monies the apartments and commercial space have lost the past months. Council member Iosbaker would like for City approval to least retain the law firm services so the City can figure out what our options are and be informed of those things. Council member Lentz moved, seconded by Council member Tish, to approve hiring Hopkins & Huebner, P.C. law firm, to find out what the City's options are. Upon the roll being called, the following voted Ayes: Tish, Clark, Conrad, McLaughlin, Iosbaker and Lentz. Nays: None. Motion approved.

Mayor Morlan explained the time extension letter is with IEDA (Iowa Economic Development Authority) so the City can access the funds that are left on the façade project. Council member Iosbaker moved, seconded by Council member Clark, to approve the letter for contract time extension request for the Façade Project. Upon the roll being called, the following voted Ayes: Tish, Clark, Conrad, McLaughlin, Iosbaker and Lentz. Nays: None. Motion approved.

Rodger Aller, Grant Observer, stated there was an issue today at 109 East Marion Street and 117 East Marion Street buildings. There was a proposal to change the down spouting in the back of the buildings to the low point and run the downspout over and down at no cost. That has not been seen in writing. If there is no cost Mr. Aller recommends moving forward. Mayor Morlan stated that the low point of the eaves is at the center of the building because the roof has settled a little. Mr. Aller stated the roof is in a V shape. The downspout is on the end, but that type of spouting cannot be moved up and down, you have to follow the roof line. Mr. Morlan stated that one of the reasons this is a concern is at the center the eaves overlap going downhill. This was sealed up and we were told it would not leak, but it did. It is like a spout and as water runs down one spout it then goes underneath the other one right onto an air conditioning unit and then leaking into an apartment. That has to be fixed. Mr. Aller stated on the 117 East Marion Street building, the spouting was filled up so there is only about an inch and as the spouting tips the wrong way, the contractor just built it up on the inside of the spouting trying to get the water to run where the downspout is. Now the water runs over because the gutter is filled up. It will not hold that much water when it comes off a larger roof. They want to take that back out, put the spouting where it needs to be and run it across the building. There are other things involved with that. There is supposedly a plan, but the City has not seen it. Mayor Morlan stated that unofficially he has seen the plans and he was told by Mr. Ford that right now it is scheduled to have the roofing company here to fix the eaves next week. Mr. Aller understood this was to be at no cost. During the walk through it was understood that things were to be finished in two weeks, but with the door between the 117 East Marion Street and 119 East Marion

Street buildings not being acceptable, this would not be possible. At the 103 South Jefferson Street project (the Upper Story) they are re-sanding the floors. The architect would not accept the floors as they were, so they are re-sanding them down to the bare floors and re-staining and refinishing them. They are waiting on three seven-foot-tall doors, and they were supposed to be here September 5<sup>th</sup> and he has not heard anything about them. This project cannot be finished until those doors are put in. The gas needs to be hooked up so the furnace can be checked. Council member Iosbaker asked if the City has received the two-week schedule and the City has not.

City Clerk Alderson explained the pay estimate is from last winter. The Council was willing to pay for the sign part of the pay estimate, but were not happy with the railing. This is work that has been done. The Council discussed a job being completed and being completed satisfactorily. The current paperwork did not have the architect's signature on it. Council member Clark moved, seconded by Council member Conrad, to table the Application and Certificate for Payment No. 13 to R.G. Construction for Sigourney CDBG Façade Improvement Phase I Project until the architect signs. Upon the roll being called, the following voted Ayes: Tish, Clark, Conrad, McLaughlin, Iosbaker and Lentz. Nays: None. Motion approved.

Council member Conrad moved, seconded by Council member Iosbaker, to approve Change Order 103 - #7 for the Upper Story Project at 103 South Jefferson Street, Sigourney, Iowa. Upon the roll being called, the following voted Ayes: Tish, Clark, Conrad, McLaughlin, Iosbaker and Lentz. Nays: None. Motion approved.

Council member Iosbaker reported for Keokuk County Economic Development. The website is scheduled to go live September 12<sup>th</sup>. There has been a lot of work done for the Child Care Initiative. They have presented to the Keokuk County Board of Supervisors to give them an update on what is being proposed, the vision and the reasoning behind it. It was favorably received, and a letter of support was requested. There was a productive meeting between representatives from Sigourney, Keota and Richard regarding this. They discussed working together on a county-wide initiative and it was favorably received. Each of the participating communities is going to provide two board members to help staff and launch the project. Council member Iosbaker has contacted the Drake Law Clinic and KCED has a student assigned to them to help with the legal structuring of the non-profit they are envisioning. The student will work under the supervision of a licensed attorney. The Farmer's Market is continuing to do well. Mayor Morlan stated there had been a visit from Joni Ernst, a local representative. They are taking a lot of interest in what we are doing to promote Sigourney, especially childcare.

**Park and Recreation:** A Park and Recreation Committee meeting was set for Tuesday, September 19<sup>th</sup> at 5:00 p.m.

**Public Safety:** Council member Clark stated last June the Public Safety Committee asked for the Council's blessing to speak with other cities in the county about creating some sort of joint entity or setting up some sort of 28E Agreement with another city. After that Council meeting, they met with City of Keota's Public Safety Committee along with their Mayor and City Clerk to start a conversation with them to see what their interest would be. The City of Keota, at that time, had a Chief of Police with several years of experience. The thought was that if we could join, we could use his experience to train new officers, it would benefit both cities in the long run when their chief retired. The City of Keota was very interested in this. At the end of that meeting they discussed talking to MarMac's Chief of Police as those are two cities who have done the same thing of creating a separate entity. At the next meeting, the City of Keota brought a proposal from their Police Chief. It was proposed that it would be a Keota Police Department and the City of Sigourney would pay the City of Keota \$25,000.00 annually with \$18,000.00 going to the Police Chief's salary and the City of Keota getting the remaining. The City of Sigourney would get approximately three hours of coverage a day over five days a week. The City of Sigourney would pay for everything to hire two new officers and Keota's Police Chief would help train them. The two officers would be utilized in Sigourney and/or Keota when needed. The Sigourney Public Safety Committee expressed that this did not seem like it benefited Sigourney or Keota. Training was for three hours a day, five days a week with the concern being what two new officers would do for the remainder of their shift. That did not seem to be too feasible. They then discussed creating the entity where Keota's Police Chief could be utilized as a Police Chief and then both cities would come together and create this entity. At the end of that meeting, both cities were going to generate what a budget would look like and how the costs would be shared. Immediately after that meeting Council member Clark was notified Keota's Police Chief resigned. There was another meeting with the City of Keota, and we were told they are interested in doing something, but they had some financial endeavors from the resignation, and they would have to wait until the first of the year before they could make any concrete decisions so they could see what their budget looked like. It has been put on hold for now. Council member Clark then reached out to a law enforcement officer with several years of experience and asked if he would be interested in being a Police Chief and helping create a Police Department. Council member Clark explained what the City of Sigourney was offering and reviewed the benefits of having a Monday through Friday day shift type of job in a community where there were ties. He liked that aspect, but he was concerned about taking a decrease in pay from his current job. Council member Clark stated that was not his or the Public Safety Committee's decision to make, but if the City of Sigourney, after Council approval, were able to get the salary to what he is currently making he indicated that he would be interested. The Public Safety Committee determined this needed to go to the Human Resources Committee and the Finance Committee to

determine if this would be feasible. The Human Resources Committee met and thought this was feasible. Council member Clark contacted him and told him the next step would be to put in an application before anything could be started. This person stated that he was considering this, but at his current position he was looking to get a substantial raise in three years, and he was not sure what he wanted to do. Council member Clark reviewed the benefits of working here with this person and last week he notified Council member Clark was no longer interested in the position. Mayor Morlan stated that he also had an interview through someone he had met who put him in contact with the Police Chief of University Heights Police Department. This Police Chief felt he had some possibilities for Mayor Morlan. There are police officers that are retiring at 55 and would still like an income until retirement age and might be interested in coming here. The University Heights Police Chief stated he would get back with Mayor Morlan in a few weeks and he sounded positive about this. Mayor Morlan stated the University Heights Police Chief felt the program we were offering and the areas we were advertising in all look good and the fact we had an ordinance officer to take care of the ordinances sounded like a good idea and that we just needed a police chief. The Council discussed hiring someone older that could train to fill this position in the future and keep things moving. Council member Tish asked if as committees are the Council members allowed to take action to request someone in charge to ask for a pay raise for a potential candidate before coming to the Council. Council member Tish asked if there could be more updates regarding committee activities and it was suggested that the search for a Police Chief be put on each agenda.

Council member Clark stated the poles for the cameras have been set and we are waiting on cameras. Once the cameras come in, they will be installed. When the Public Safety Committee came to the Council with this project, a slide presentation was provided, each intersection was identified, the cameras were identified and how they worked. The project was explained to the Council and approval was given to move forward with the project not to exceed \$150,000.00. As a result of installing items, there are trees that have to be trimmed or taken down. The trees are in the City's right-of-way and are not anyone's personal property. There has been one tree removed and there are two other trees that will be removed. Director of Public Works II Gilliland stated two of the trees are at Pleasant Valley and Main Street on the northwest corner. They are already a problem as you cannot see around Pleasant Valley if you are coming from the west going east. These trees have been trimmed before and it will be cheaper to take them out than to trim them every year. Council member Clark asked if there were any questions.

A Public Safety Committee meeting was set for Tuesday, September 19<sup>th</sup> at 4:00 p.m.

Council member Conrad stated the City's end loader is approximately 10 years old and is getting to the point where it needs new tires and other repairs. There are two bids. One is from Altorfer which is who we currently have been dealing with. The other bid is from Martin Equipment (John Deere) out of Cedar Rapids. There is money in the budget for this. This will be a bigger, stronger and faster end loader. There are attachments included. Council member Conrad discussed the differences in price and time if the City purchases the one that is here with 36 hours on it verses ordering a new one. Mayor Morlan asked how much time is put on a machine in a year. Brent Gilliland, Director of Public Works II, stated they are looking at putting about 1800 hours on the machine in a five-year time frame. There is an hourly warranty included with this. There is money in the Replacement Fund to pay for this instead of borrowing. The Council discussed the possible costs involved if something is not done. Council member Conrad moved, seconded by Council member McLaughlin, to approve the purchase of a new end loader from John Deere that is used with 37 hours on it with a trade in of \$45,000.00 and a purchase price of \$172,550.00. Upon the roll being called, the following voted Ayes: Tish, Clark, Conrad, McLaughlin, Iosbaker and Lentz. Nays: Tish. Motion approved.

Brent Gilliland, Director of Public Works II, stated there is a rotation for each piece of equipment and it has come up that it is time to do this truck. There is money in the budget. It is at that point that it is going to be turning to 60,000 miles and we need to move it on or do something else. Council member Conrad stated that regular maintenance is done on the vehicles, and this would be considered low miles. There can be a lot of maintenance as there are a lot of in town miles on the vehicles. Council member Conrad stated that if the City gets the new work truck and then instead of taking the trade-in, the Code Enforcement Officer would use it as opposed to the car. If the City does not buy the new truck, there will not be anything to trade. The trade in value is \$13,000.00 to \$14,000.00. There are bids from Helmuth and Stivers with Stivers being \$4,000.00 less. Helmuth has been doing very well with us and all the maintenance and warranty work will be done here. It will probably be February 2024 before the truck will arrive. Council member Tish asked if any of the accessories or attachments would void any part of the warranty and Director of Public Works II Gilliland responded no. Council member Conrad moved, seconded by Council member Iosbaker, to approve buying a new F250 Ford truck. Upon the roll being called, the following voted Ayes: Tish, Clark, Conrad, McLaughlin, Iosbaker and Lentz. Nays: None. Motion approved.

Council member Clark asked why the Code Enforcement Officer would need a truck versus a car. Mayor Morlan stated that sometimes the Code Enforcement Officer stops and picks things up that would not fit into a car. Director of Public Works II Gilliland stated that he does borrow the Public Works trucks. Council member Clark asked what the price would be and where the money would come from. Director of Public Works II Gilliland responded with whatever the trade in price is. City Clerk Alderson stated the money would come from the Replacement Fund, but the Code

Enforcement and Rental section would owe the Water Fund and Sewer Fund. There is currently over \$900,000.00 in the Replacement Fund, but there are not any funds available for vehicle purchase. This is a newly formed position and there are not any funds set aside yet. Council member McLaughlin asked if there were problems with the car and no there are not. Mayor Morlan asked how often the Code Enforcement Officer needed to borrow a truck and Director of Public Works II Gilliland stated that he will need to pick something up once in a while or need to take a ladder someplace, etc. Some things cannot be carried in a car. Council member Tish asked if this caused trouble for the Public Works Department and Director of Public Works I Northup stated that depends on whether their department is using all the trucks. Council member Clark moved, seconded by Council member Conrad, to not approve selling the Code Enforcement / Rental car and purchasing the Public Works used truck. Upon the roll being called, the following voted Ayes: Tish, Clark, Conrad, McLaughlin, Iosbaker and Lentz. Nays: None. Motion approved.

**Public Input:** Lisa Richardson addressed the City Council regarding an accident her daughter was involved in at the high school a few weeks ago. The Keokuk County Deputy on duty was already working on another issue on the other side of the county and could not break free to come to the high school. Ms. Richardson stated that the driving is erratic and there is a lot of speeding. She realizes that the City is working hard to get law enforcement and she understands that the deputies work hard especially when there is one deputy out to cover the county and all the cities. She feels the Council should not be so petty about who they are looking at or who is qualified. The City needs help.

Council member McLaughlin moved, seconded by Council member Lentz, to adjourn the meeting. Upon the roll being called, the following voted Ayes: Tish, Clark, Conrad, McLaughlin, Iosbaker and Lentz. Nays: None. Motion approved.

The meeting was adjourned at 7:36 p.m.

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Jimmy Morlan, Mayor

ATTEST: \_\_\_\_\_  
Angela K. Alderson, City Clerk