

DUNKERTON CITY COUNCIL met in regular session, **January 13, 2014**, in the City Hall Council Chambers with Mayor Edward Jessen presiding. The meeting was called to order at 7:00 p.m. Council members present: Belmer, Fuelling, Lichty, Robinson. Absent: DeLong. Quorum present. Lichty led the Pledge of Allegiance.

Belmer moved, Lichty seconded, to approve the Consent Agenda by one motion: a) January 13, 2014 Agenda as listed b) Dec 7, 2013 Publication regarding Municipal Leadership Training attended by Mayor and Council, Dec 9, 2013 Regular Mtg. Minutes as written c) Place Nov 2013 Library Mtg. Minutes on file c) Place December 2013 Month Reports on file: Clerk Budget, Clerk Bank Reconciliation, Clerk UB Reconciliation, Ambulance, Police, (No Building Permits), Library Stats d) Bills Resolution #2014-1 authorizing payment of bills and transfers as listed. Roll call vote: Ayes-4. Motion carried.

Fuelling moved, Lichty seconded to pass Resolution #2014-2 approving council appointments for a two (2) year term ending 12/31/2015 as follows:

- City Clerk - Brenda Thompson
- City Attorney – Luke Guthrie of Roberts, Stevens, Prendergast & Guthrie P.S.C. of Waterloo, IA

Roll call votes: Ayes-4. Resolution adopted.

Mayor Jessen appointed Councilman Thomas DeLong as mayor pro-tem and the following standing committees for a two (2) year term ending 12/31/2015:

- Parks & Recreation: Tom DeLong
- Personnel: Tom DeLong, Adam Fuelling
- Streets & Sidewalks: Mark Lichty, Colt Robinson
- Water Runoff: Brian Belmer, Mark Lichty

Department Head Reports and Presentation of Budget Needs:

- City Engineer Haaland of Ament, Inc. said that the Dunkerton Rd. bid date is pushed back to April 15, 2014 due to continued work needed on the easement plans.
- Library Director Wheeler gave an update on the water issues at the library building, she said that the Simonson's are coming January 23rd to tell about their trip to DePaul, that the county operating grant increased significantly for FY2015 due to the large amount of people in rural Black Hawk County using the Dunkerton library, she presented the library board approved FY2015 budget request, and said that an amendment will be needed for the current budget due to memorial gifts that came in and were spent as well as unexpected building expenses due to the water and humidity issues.
- Fire Chief Manahl said they are going to try for another grant with matching money for a new fire truck. Dan Steffen said that they would like to set a date for letting bids and putting a notice in the paper at the next meeting. Manahl said that he increased the building budget because they have mould issues at the Fire Station due to porous block and drainage, that they will be tearing out carpet and he would like to put steel in on the bank side of the building.

- Lynne Stout presented the ambulance budget that had been prepared by Ambulance Chief Seamans. She said that mutual aid and EDAC E911 fees will go up, that they welcome more EMT's, and that they are happy with AMR level to help with driving.
- Public Works Director Pierce said that he bumped the vehicle operation and repair, that he would like to get a new box and sander, that he'd like to pursue eliminating Well 1, that the Water Tower needs some work because it hadn't been specked well and needs a circulation pump and lighting due to freezing problems, and that the lift station needs a new door. Pierce said that rates may need to be raised. Clerk Thompson said that the water fund is only breaking even and should be making a profit. Mayor Jessen said that the old meters need to be upgraded, that it needs to be fair for everyone.
- Clerk Thompson said that she will be entering the budget figures into the software and figure the revenue side so that when they start digging into the details at the next meeting they will know what income totals they're working with to balance the budget. She said that she and the mayor will be meeting with Speer Financial and INRCOG (Iowa Northland Regional Council of Governments) to discuss financing and amending the TIF Plan (Tax Increment Financing) for the Dunkerton Road Project.
- Police Chief Schultz said that his training for years had been taken care of from GTSB Grant funds, however there was a significant cut in funding and the city will need to pay some of the training to compensate, that he took legal fees out of his budget since it hadn't been needed in past years, that they are being mandated to go paperless toward the end of this year and he doesn't know the cost to upgrade equipment for that.

Mayor Jessen stood and said that on behalf of the residents of Dunkerton, he wanted Police Chief Schultz to come forward and receive a plaque in recognition of twenty-five (25) years of service to the community. Those present applauded. Police Chief Schultz thanked him and said it means a whole lot.

Public Comments:

- Dan Steffen of 301 W. Sycamore St. asked about appointing Fire and Police Chief and pointed out that the repairs at the library should have building permits. Mayor Jessen said that they're not unappointed by State law (and by Dunkerton Code) and that there is no need to appoint when there is no change. Clerk Thompson added that a term is not specified in the code or on past resolutions. Mayor Jessen asked PWD Pierce to get the permits needed.

Discussion was held with Jim Fischels, property owner of the Robert Street apartments in Dunkerton, regarding a letter he had received from the City asking him to comply with Code of Iowa Section 384.84 concerning landlords and also whether or not he should have access to the city's water shut-offs as leverage when his tenants don't pay their rent. Fuelling thought that if the accounts were in his name he could continue to have access to the shut-offs. Fischels said that he wants them in the tenant names.

There was confusion about the issues caused by non-compliance to State Law concerning Landlord notification to the city and tenants being liable for water bills so Fuelling/Belmer moved to table it until next meeting to give the council time to look into it. Roll call vote: Ayes-4. Motion carried.

Attorney Guthrie gave an update on Woodland Estate Holdings LLC and the enforceable Witzenberg Agreement. He said that he wrote a letter on December 19, 2013 to Randy Wheeler, that he did not receive a call from Mr. Wheeler's council until today and did not receive a response to his phone call yet so he recommended that they table it, that he doesn't know Mr. Wheeler's position yet, and that he won't take any action until the council is informed and directs him to. Belmer/Fuelling to table it until next meeting so Attorney Guthrie has time to communicate with Mr. Wheeler's counsel. Roll call vote: Ayes-4. Motion carried.

Discussion was held regarding Employee Benefits during a ninety (90) day orientation. Mayor Jessen said that the rules in section 2.05 of the Employee Handbook conflicts with what the previous mayor and PWD Pierce told Kuenstling (new public works), that an employee in the orientation period does not have the status of a "Regular Full-time Eligible Employee". Belmer asked if he had received an Employee Handbook. Kuenstling said yes. Attorney Guthrie said that if a supervisor wanted to change the rules it should come before the council. Fuelling said PWD Pierce should know his Employee Handbook and this should be a lesson learned. Mayor Jessen asked the council how to fix this, that it was their decision but he didn't want this to set precedence. Fuelling recommended paying it if he made it through his orientation period or to approve it as an isolated case since he had been told he would be paid. Fuelling moved, Belmer seconded, to approve paying Kuenstling three (3) holidays and three (3) bereavement days as an isolated case and that going forward there is a personnel committee for questions. Roll call vote: Ayes-4. Motion carried.

Mayoral & Council Comments:

- Belmer said that he is happy to be serving at the table.
- Mayor Jessen said that he is happy to have him, and that he would like to thank previous Mayor Schares and Councilman Dick Ede for their service to the City of Dunkerton.

With no further discussion, Lichty/Belmer to adjourn at 8:05 p.m. Ayes-All. Motion carried.

Edward A. Jessen, Mayor

Brenda M. Thompson, CMC, City Clerk