

City of West Liberty

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The City of West Liberty Meeting minutes can be located online <https://cityofwestlibertyia.org>

1. Call to order: The meeting was called to order by Mayor Robert Hartman at 7:30pm. In attendance, Mayor Pro-Tem Diane Beranek, Council Member Cara McFerren, Jose Zacarias, and Robert Rock. Absent Council Member Dave Smith. City Clerk Geertz, Library Director, Paarsmith Electric Superintendent Tvrs, and Park Rec Director Heath was present.
2. City Council approved the agenda: Beranek/McFerren 4-0
3. City Council approved the consent agenda with the following items: McFerren/Beranek 4-0
 - A. Regular Council Meeting Minutes July 20, 2021
 - B. City Clerk/Treasurer Report June 30, 2021
 - C. Approve Renewal of Class "C" Beer Permit and Sunday Sales Privileges, Wink's Bar and Grill, LC0040242, West Liberty, IA, Effective 08/22/2022.
 - D. Approval of Class "C" Beer Permit and Wine Privileges, Savor D new permit request at 100 E 3rd Street, West Liberty, IA Effective 08/03/2022.
 - A. City Council approved the Vendor Voucher Claims List in the amount of \$516,051.70. Council Member McFerren had a comment for the Bowman and Miller PC charge, as it was explained the additional cost of the audit was due to FY 2019 left over from the AOS audit to include complaints received by the Iowa Auditor of the State about possible financial discrepancies and fund misappropriation. The FY 2020 audit had additional items that needed to be tested for the allegations presented to the Iowa Auditor of State, this was an addition \$15,000 in costs to verify there was no errors or misappropriation of funds.
4. **PUBLIC COMMENTS AND/OR CORRESPONDENCE** This is the time set aside for comments from the public on topics of City Business other than those listed on the agenda. No action may be taken. Please state your name and address for the record and keep your comments to no more than 2 minutes.

Registered Comments – Stacy Ervin per a public comment inquire with Council asked if more information could be provided with the recent power outages. Electric Superintendent Tvrs was communicated the first power outage was due to a tree limb falling into a power line and the second outage was unknown but could have been an animal or tree limb that fell on through the line. Tvrs communicated the time to restore power will always be a minimum of 45 minutes. The power line must be reviewed to see that is clear and safe to turn the power back on. Safety is the priority, and this take time to be sure it is safe to restore power.

Council Member McFerren asked if more could be done to communicate and post the outages on social media to allow the community knowledge of the outages. Staff communicated they would work to create a process to communicate the outages, but we can't jeopardize the safety of the employee to provide the communication. Possibly if it is

a small outage a follow up as to what occurred.

Council Member Zacarias asked for a follow up on his inquire of Mr. Solis getting assistance to remove a shed from his property. Clerk Geertz communicated Mr. Solis can apply for the City's Economic Development Grant and speak with We Lead Director Joseph Taylor for assistance.

5. OLD BUSINESS

- A. City Council approved the final reading of Ordinance No. 20210420-01 an Ordinance to Change the Agricultural Zone to the Mixed R-1, R-2 and R-3 for a Mixed Residential Development at the Northeast Corner of East Rainbow Drive and Garfield Avenue: Roll Call: Beranek/McFerren: R 4-0 Rock, Zacarias, Beranek, McFerren
- B. Discussion and Appropriate follow up with the City of West Liberty ATV Application Form, Fee and Sticker. Council approved with the motion to approve the larger reflective sticker as presented, then have the form reviewed by Chief Werling before Council approval: Zacarias/Smith 4-1-0 (McFerren abstention)

6. NEW BUSINESS

- A. City Council approved the event request for a Quinceanera by Guadalupe Hurtado on 09/18/2021 at 2:30pm: Zacarias/Rock motion not to exceed 45 minutes for road closure: 4-0
- B. City Council approved event request by St Joseph's Church, Festival on September 5, 2021, 9:00am-7:00pm: Zacarias/Beranek 4-0
- C. City Council approved Callahan Municipal Consultants for the City of West Liberty Strategic Planning Session for 2021: Beranek/McFerren: 4-0
- D. City Council approved not to appeal: Zacarias/McFerren 4-0
City Clerk Geertz provided an overview of the nuisance case: City of West Liberty vs. Fay and Nadia Olsen. The Judge had ruled the Olsen's had met the compliance of citations within the City Code. The city had asked to dismiss the case prior to the hearing due to compliance of the several cited items, but Mr. Olsen asked to be heard by the court and had filed a large amount of counter claims. Judge Wonder dismissed the counter claims against the city. The only item remained was structures being connected, Judge Wonder visited the home of the Olsen's to view the structures. Judge Wonder disagreed with the City Code of connected buildings. City Attorney and City Staff didn't have access to the meeting with the Judge and Olsen's, so it is unclear as to what the discussion of the structures and why his

ruling was not in favor of the City Code about the structures. The City of West Liberty has the right to appeal the decision of the Judge Wonder. It is unclear as to why the Judge stepped outside of the court to visit a home; this is not common practice. City Council consensus was they are satisfied by the Olsen's work to come into compliance with the City Code and will not seek an appeal on the remaining code violation of the structures. Council and Clerk Geertz agree the experience was successful to educate the homeowner and compliance was achieved for the most part with the City Code.

- E. City Council approved to merge West Liberty Youth Sports program to the City of West Liberty Recreation: McFerren/Rock 4-0
Financial Committee (Chair McFerren and Zacarias) and City Staff recommended to merge the programs. Youth Sports has dissolved due to lack of volunteers to administer the program. The Finance Committee and City Staff communicated the program that was created back Mr. Leggins several years ago for the West Liberty Community Youth in the school district still had need to continue. There will be a need to appoint a full-time staff member, scheduling tools and fees for the program. It was also communicated under the City there would also be opportunity to grants to support the financial assistance for youth with scholarship opportunities due to lack of financial means. The introductory sports program is an entry level with the youth to learn sports, team building and be active.
- F. City Council approved to enter into an agreement with Bi-State to Perform Scope of Work for City of West Liberty Park and Recreation Master Park Plan in the amount of \$10,000: Zacarias/Rock 4-0
- G. City Council approved contracting with REC Desk as an addition to the West Liberty Website for Parks and Recreation Scheduling in the amount of \$3,700:
Beranek/McFerren 4-0
- H. City Council approved to separate the Communication Specialist position, job description and transfer internal employee Jacob Lane to the position:
Beranek/McFerren 4-0
- I. City Council approved Resolution 20210803-32 A Resolution to approve Salaries and Wages for the Communications Specialist: McFerren/Beranek 4-0
- J. City Council approved Resolution 20210803-33 to Approve Transfer of Special Funds in the amount of \$16,000 from Special Funds to General Fund for Emergency Pool Repair Expenditures: Roll Call: Beranek/Rock 4-0 Rock, Zacarias,

Beranek, McFerren

- K. City Council approved Resolution 20210803-34, accept to file annual audit for Fiscal Year Ending June 30, 2020: McFerren/Zacarias 4-0 McFerren, Beranek, Zacarias, Rock

7. **REPORTS** – Employee/City Engineer/City Attorney/City Boards/Committees/Commissions

- A. Finance Committee-Chair McFerren submitted a report from the Finance Committee Meeting.
- B. City Engineer Leo Foley provided the following projects updates:
Survey work being completed for Dutton and other city property. Field Survey will be scheduled for Friday with Rainbow/Maxson Ave to review for sidewalk/trail. Well #2 work continues with the roof hatch partial removal, coordination with Morrison Construction is under way for the project. V&K has completed the 6-month Administrative Order report for the EPA. Engineers will review the pool slide structure for testing of the structure to see if more repair to the base will be needed per a required by state inspection. Preparing for discussions with West Liberty Foods of roast beef processing and the WWTP capacity. Phase I of the upgrade to WWTP discussion will look to begin at the end of August. Library roof is under review with Director Paarsmith and a site visit with City Hall project will be on Friday.
- C. City Clerk/Treasurer- Clerk Geertz provided a report of the operations and deadlines for reports for the month of August. Clerk Geertz communicated she had received numerous complaints with City Hall Administrative staff over the last couple weeks. This will be addressed with individual staff members and evaluated to identify the problem. Staff has been short staffed, but this is no excuse for not meeting the City's expectation on how we communicate and serve customers.

8. **ADJOURNMENT**-City Council Adjourned the meeting at 8:45pm: Beranek/Rock 4-0

Robert Hartman, Mayor

ATTEST:

Lee Geertz, City Clerk