

WEST LIBERTY CITY COUNCIL MEETING MINUTES 02-07-2023

AMENDED 2-17-2023

Mayor Anderson called the meeting to order at 7:30pm by roll call. City Council in attendance: Mayor Pro Tem Cara McFerren, Council Members Dana Dominguez, Josh Shiltz, Omar Martinez, and Ashley Smith. City Staff in attendance: City Manager Haugland, City Clerk Geertz, Deputy City Clerk Hoffert, Communications Woodson, Electric Superintendent Tvrs, and Library Director Paarsmith. City Council approved the agenda: McFerren/Smith 5-0.

City Council voted by roll call vote to enter into executive closed session per Iowa Code 21.5 (C) To discuss strategy with counsel in matters that are presently in litigation or where litigation is imminent where its disclosure would be likely to prejudice or disadvantage the position of the governmental body in that litigation: McFerren/Dominguez: McFerren, Dominguez, Shiltz, Martinez, and Smith. 5-0  
City Council by roll call, voted to return into regular open session per Iowa Code 21.5(3): McFerren/Shiltz: McFerren, Shiltz, Dominguez, Smith, and Martinez: 5-0.

City Council Discussion and Appropriate Action to Authorize Legal Counsel and Mayor to Execute an Agreement with **M Esquivel** for Pending Litigation by roll call vote: Motion by Dominguez: Accept the settlement of proposal of \$40,000 due to a matter of public necessity, to resolve a disputed claim, and for the economic purpose of costs and risk of litigation. Second: McFerren: Yes: McFerren, Martinez, Shiltz, Smith, and Dominguez: No:0: Approved 5-0.

City Council voted down the consent agenda: McFerren/Martinez: voted 0-5  
City Council voted to approve the consent agenda to include amendments to the minutes adding El Palenque as the establishment in second paragraph. City Clerk/Treasurer Report November 2022: McFerren/Dominguez: 5-0

City Council opened the public hearing on proposal to enter into a General-Purpose Loan Agreement not to Exceed \$350,000 for the purpose of Electric Upgrades with the Rainbow and Maxson Street Improvement Project: McFerren/Smith: Yes:  
Public Comments or Correspondence  
Close the Public Hearing on proposal to enter into an Essential Purpose Loan Agreement not to Exceed \$350,000 for the purpose of Electric Upgrades with the Rainbow and Maxson Street Improvement Project. (Roll Call Vote)  
City Council approved by roll call vote, Resolution 20230207-06 taking additional action on proposal to enter into a General-Purpose Loan Agreement for the purpose of Electric Upgrades with the Rainbow and Maxson Street Improvement Project not to Exceed \$350,000: McFerren/Smith: Yes: McFerren, Smith, Dominguez, Martinez, and Shiltz. No: 0 Approved 5-0.

City Council by roll call voted to open the Public Hearing on Certifying the Maximum Tax Dollars from Certain Levies for the City's Proposed Fiscal Year 2023-2024 Budget: Smith/Shiltz: Yes: McFerren, Shiltz, Dominguez, Martinez, and Smith.  
Public Comments or Correspondence: No public comments of correspondence received for presentation.  
City Council by roll call vote closed the Public Hearing on Certifying the Maximum Tax Dollars from Certain Levies for the City's Proposed Fiscal Year 2023-2024 Budget: Dominguez/McFerren: Yes: McFerren, Dominguez, Smith, Shiltz, and Martinez: No: 0 5-0  
City Council approved Resolution No. 20230207-07 A Resolution Approving the Tax Levy for the Fiscal Year 2023-2024 Budget: Dominguez/McFerren: Yes: McFerren, Dominguez, Smith, Shiltz, and Martinez No: 0 5-0

City Council by roll call vote opened the Public Hearing for Adopting New Electric Rates Effective March 1, 2023: McFerren/Smith: Yes: McFerren, Dominguez, Smith, Shiltz, and Martinez No: 0 5-0.  
Public Comments and/or Correspondence: No public comments or correspondence received or presented.  
City Council by roll call vote closed the Public Hearing for Adopting New Electric Rates Effective March 1, 2023: McFerren/Martinez: Yes: McFerren, Dominguez, Smith, Shiltz, and Martinez: No: 0 5-0  
City Council by roll call voted to table Ordinance No. 20230207- 02 Amending Title 7, Chapter 3, Section 10: Electric Light and Power Rates of the Municipal Code of West Liberty, Iowa Adopting New Electric Rates and Sets Forth the Following Rate Structure: McFerren/Dominguez: Yes to table: McFerren, Dominguez, Shiltz, Smith and Martinez No: 0 5-0

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Discussion: Council's consensus of the first reading was since we have some inconsistent in discussion of the billing and intent of time of the billing it is in the best interest to minimize and errors and spend additional time resolving any inconsistency with the ordinance. process.

City Council approved the vendor voucher claims List #1 in the amount of \$378,634.73: McFerren/Dominguez 5-0

No public comments presented or received by staff.

Council Member Smith received communication from a community member referencing the pile of trash located behind the former "Jan's Flower Yard". City Manager communicated the nuisance has been addressed and is being worked.

Council Member McFerren received the same communication pertaining to the nuisance and location. McFerren also provided information received from Carolyn Covin, which some of you may be familiar with in regards She's. She's a professor at the University of Iowa College, of education, and she is again coming to West Liberty in order right a grant on behalf of newly acquired US Citizens of the Latino population. This will be through the University of Iowa as the opportunity will be to expand on the University's engagement into civic involvement. Professor Covin is again just looking for the partnership with the local businesses and community. Council Member Dominguez provided some statics of number of Latino voters and communicated the professor is very motivated. Mayor Anderson asked McFerren to forward the information to Council Members.

City Manager and/or City Clerk Public Comments or Correspondence

Council Member Shiltz communicated he had inquiries about the City Council Meeting Video's and Brittany was able to assist him with the information. The meeting videos can be located on the City's website. We are working to have them available timelier as we continue to work through some transitions at City Hall.

City Manager provided an update on a current litigation matter correspondence received from Wilfred Stone, Lynch Dallas communicating Case Olsen Vs City of West Liberty, Lee Geertz, Terry Goerd, and Jamie Bosten the complaint has been dismissed in favor of the City and case is closed by the United States District Court of Southern District of Iowa. However, the Olsen's have an opportunity to appeal the decision based on set timeline by courts.

City Council approved the El Palenque Bar request to renew Liquor License Effective 12/10/2023 LC0039651: Smith/Dominguez 5-0

Discussion: Council Member Shiltz reported that City Manager and **Officer Holmes** had visited with the ownership and discussed some concerns and consistent recommendation that have been made with other establishments. The owners have been receptive of the discussion and recommendations. Building Inspector Goerd had also completed an inspection for occupancy and emergency exists. This report was presented to City Council during the meeting.

City Council by roll call vote approved Resolution 20230207-08 A Resolution to Consider Amending Iowa Economic Development Nuisance Property & Abandoned Building Remediation Program Contract 21-NPAB-002 SG Construction Project N Columbus Street in the amount of \$200,000: McFerren/Smith: Yes: McFerren, Dominguez, Smith, Shiltz, and Martinez No-0 5-0

City Council approved to accept City Manager David Haugland's Resignation Dated 02/3/2023 and Effective Last Day of Employment 03/31/2023: Smith/Dominguez 5-0

City Council by roll call vote approved Resolution 20230207-09 Deleting Property from the West Liberty Urban Renewal Area" known as the Buysse Subdivision adjacent to Rainbow and Dutton Sports Complex:

McFerren/Smith: Yes: McFerren, Dominguez, Shiltz, Smith and Martinez: No: 0 5-0

City Council approved by roll call vote Ordinance 20230207-03 "An Ordinance Deleting Property from the Tax Increment Financing District for the West Liberty Urban Renewal Area of the City of West Liberty, Iowa, known as the Buysse Subdivision adjacent to Rainbow and Dutton Sports Complex, Pursuant to Section 403.19 of the Code of Iowa": McFerren/Smith: Yes: McFerren, Dominguez, Smith, Shiltz, and Martinez No- 0 5-0

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Whereupon, the Mayor declared the motion duly carried and declared that the ordinance had been given its initial consideration.

City Council approved that the statutory rule requiring an ordinance to be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended. The Mayor put the question on the motion and the roll being called, the following named Council Members voted:

McFerren/Smith: Yes: McFerren, Smith, Dominguez, Shiltz, and Martinez No:0 5-0

City Council approved Ordinance 20230207-03 Deleting Property from the Tax Increment Financing District for the West Liberty Urban Renewal Area of the City of West Liberty, Iowa, Pursuant to Section 403.19 of the Code of Iowa," now be put upon its final consideration and adoption. The Mayor put the question on the final consideration and adoption of the ordinance and the roll being called, the following named Council Members voted: McFerren/Smith: Yes: McFerren, Dominguez, Smith, Shiltz, and Martinez No: 0 5-0

City Council by roll call vote approved Resolution 20230207-10 Setting Date for a Public Hearing on Designation of the West Liberty Housing Urban Renewal Area and on Urban Renewal Plan and Project" for the Buysse Development: McFerren/Smith Yes: McFerren, Dominguez, Smith, Shiltz, and Martinez No-0 5-0

City Council approved to file and receive the West Liberty Parks West Liberty Master Parks Plan as presented and recommended by the West Liberty Parks and Recreation Board: Dominguez/Shiltz 5-0

Discussion: At a later date City Council would have Nick Heath, Parks/Rec Director present the plan during a City Council work session.

City Council approved by roll call vote the purchase and upgrade to the City of West Liberty's Utility and Financial Software program from Incode ERP 9 to Incode ERP Pro 10 with use of the ARPA (AMERICAN RESCUE PLAN ACT): Smith/McFerren Yes: McFerren, Dominguez, Smith, Shiltz, and Martinez No-0 5-0

Discussion: An action form has been provided to Mayor and Council identifying the need for the purchase and upgrade for the billing and financial software program. Included in the upgrade the City will provide a few new modules to better assist community and customers with access to online billing, building permits and nuisance items. There will also be an upgrade to payroll system to move to an automated for accuracy and efficiency of processing. The estimated cost \$62,200. City Clerk will present a resolution with the final cost during a future meeting.

City Council approved to set the date for FY 2023-2024 Budget Work Session for February 28, 2023, at 6:30pm: Dominguez/McFerren 5-0

Discussion: City Clerk Geertz has communicated the Budget work session will look to cover all items in the general fund.

City Engineer Update: Leo Foley reported early this day a meeting was held with Electric Engineers of BHMG to discuss the Rainbow and Maxson Street Project with the electric portion. It is his understanding the bids for the electric project will be posted out for bid in mid-February and back in by March. This information was also shared with All American today, as they know contractors who are interested in the bid for relocation of electric work. City Manager has asked us to move more quickly on the Well#2 project, as the roof is an issue for the electric department and we need to get on with the project.

Chief Werling has provided a new hire for the West Liberty Police Department, and Dustin Brooks has accepted. Officer Brooks looks to start work on February 22<sup>nd</sup> or 23<sup>rd</sup>.

Communication Specialist Woodson provided analytical and date for the social media use, to include some updated information on communication goals.

Mayor communicated his appreciation and brought recognition to the We Lead Podcast. Mayor has asked communications with We Lead Director Brooks assistance to share the We Lead Podcast location and information. This is a very positive and informative format presented. Communication is up to date on posting information pertaining to the Holiday Hours.

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Council Member Dominguez reported the Fire/EMS Taskforce, and a historic outline was provided in the City Council's packet. Dominguez has stated good communication is occurring and prep work is being done for the February 13<sup>th</sup> work session.

Deputy Clerk Hoffert reported she is in training Wednesday through Friday as she continues to work on her Clerk certification program.

City Council adjourned the meeting at 9:55pm: Smith/McFerren 5-0

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Ethan Anderson, Mayor

Attest:

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Lee Geertz, City Clerk