March 1, 2021

The regular meeting of the Tama City Council met Monday March 1, 2021 at 5:30 in the Tama City Auditorium. Mayor Ray called the meeting to order with the following council member answering to roll call: Michael, Thomas, Babinat, Beatty. Absent: Haughey. Visitors: Stuart Eisentrager, Richard Jimenez, and Kent Campbell.

It was moved by Babinat, seconded by Michael to approve the consent agenda which consisted of minutes from the last regular meeting 2/15/21, minutes from the budget workshop on 2/8/21, bills paid 2/16/21 thru 2/26/21, and bills to be paid 3/1/21. Roll call vote all ayes. Motion carried.

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| CLAIMS REPORT |  |  |
| VENDOR | INVOICE DESCRIPTION | AMOUNT |
| AFLAC | AFLAC | $ 313.13 |
| ALLIANT | ELECTRICITY | $ 13,381.70 |
| ALLIANT | LIBRARY | $ 673.18 |
| AXA EQUITABLE | AXA EQUITABLE | $ 100.00 |
| CAMPBELL, PAT | cleaning | $ 410.00 |
| CHRIS HOSKEY TRUCKING | SAND/SALT | $ 1,200.00 |
| CLEMONS | VEHICLE REPAIR/MAINT | $ 73.05 |
| CLIA LABORATORY PROGRAM | CERTIFICATE FEE | $ 180.00 |
| CREATIVE PRODUCTS | SHIELD STICKERS | $ 291.65 |
| EDGE PERFORMANCE | TRAILER WRAPS GRANT | $ 2,800.00 |
| EFTPS | FED/FICA TAX | $ 7,327.31 |
| EMC NATIONAL LIFE | LIFE INSURANCE | $ 116.40 |
| FLEX FITNESS | PD MEMBERSHIP | $ 150.00 |
| PATTY HENLE | PATCHES PD | $ 35.00 |
| IA ASSOC MUNICIPAL UTILITIES | DUES FOR WATER | $ 803.00 |
| IPERS | IPERS | $ 5,174.53 |
| JAKE KESSLER | MILEAGE TRAINING PD | $ 192.64 |
| KEYSTONE LABORATORIES INC | TESTING FOR WATER/SEWER | $ 382.40 |
| LIBERTY NATIONAL | LIBERTY PRE-TAX | $ 189.68 |
| MARTIN EQUIPMENT CO. | EQUIP REPAIR/MAINT RUT | $ 2,016.14 |
| MASTERCARD | CREDIT CARD | $ 788.08 |
| MEDIACOM | PHONE/INTERNET | $ 248.18 |
| MERSCHMAN FERTILLIZER LLC | SAND/SALT RUT | $ 2,925.60 |
| MIDWEST BREATHING AIR | FIRE MAINT | $ 705.60 |
| NEW CENTURY FS | FUEL AMB | $ 3,036.44 |
| PHILLIP'S 66 | FUEL | $ 127.42 |
| PHYSICIAN'S CLAIMS COMPANY | AMBULANCE BILLING AMB | $ 2,020.16 |
| PITNEY BOWES PURCHASE POWER | SEALER POSTAGE MACHINE | $ 200.20 |
| PREMIER | COLOR PRINTS | $ 62.99 |
| DAN RATHJEN | LEGAL FEES | $ 2,025.00 |
| SANDRY FIRE SUPPLY | TESTING AND SUPPLIES | $ 2,032.10 |
| SANITARY REFUSE | GARBAGE | $ 179.00 |
| SHIELD TECHNOLOGY | PD SOFTWARE | $ 500.00 |
| SNYDER & ASSOCIATES | ENGINEERING LEVEE | $ 4,222.50 |
| TREASURER STATE OF IOWA | STATE TAX | $ 1,212.00 |
| SUPERIOR WELDING | OXYGEN | $ 45.00 |
| TAMA COUNTY HUMANE SOCIETY | POUND FEES | $ 490.00 |
| TERNUS ELECTRIC | OFFICE MAINT SEWER | $ 75.00 |
| U.S. BANK EQUIPMENT FINANCE | LIBRARY LEASE | $ 260.40 |
| U.S. POST OFFICE | MARCH WATER BILLS | $ 283.04 |
| U.S. POST OFFICE | MARCH WATER BILLS | $ 14.65 |
| USA BLUEBOOK | OP SUPPLIES SEWER/WATER | $ 539.84 |
| VAN WALL EQUIPMENT | TAIL LIGHT RUT | $ 42.75 |
| VERIZON WIRELESS | PD/AMB CELL PHONE | $ 663.68 |
| WELLMARK BC/BS OF IOWA | HEALTH INSURANCE | $ 21,852.36 |
| WELLMARK BC/BS OF IOWA | DENTAL PRE-TAX | $ 335.21 |
| WENDLING QUARRIES INC. | ROAD ROCK RUT | $ 861.93 |
| WINDSTREAM | PHONE/INTERNET ST | $ 304.48 |
| Accounts Payable Total |  | $ 81,863.42 |
| Payroll Checks |  | $ 23,601.30 |
| \*\*\*\*\* REPORT TOTAL \*\*\*\*\* |  | $ 105,464.72 |
| GENERAL |  | $ 46,794.00 |
| ROAD USE TAX |  | $ 13,662.43 |
| EMPLOYEE BENEFITS |  | $ 18,067.90 |
| TRUST & AGENCY |  | $ 4,372.50 |
| CAPITAL PROJECTS |  | $ 2,800.00 |
| WATER FUND |  | $ 9,977.02 |
| SEWER FUND |  | $ 9,790.87 |
| TOTAL FUNDS |  | $ 105,464.72 |

This being the time and place, Mayor Ray opened the public hearing for the Budget FY 2022. There being no oral or written comments the Mayor closed the public hearing. It was moved by Michael, seconded by Thomas to approve Resolution No. 7-21 approving the FY 2022 budget as presented. Roll call vote ayes: Thomas, Michael, Babinat, Beatty. Motion carried.

It was moved by Michael, seconded by Beatty to accept the informal resolution set by the Iowa Public Information Board (20FC:0099) with the text of the resolution below. Roll call vote ayes: Beatty, Babinat, Michael. Thomas abstained due to conflict with Ambulance Department. Motion carried.

INFORMAL RESOLUTION

20FC:0099

Julie Shook/City of Tama

On September 29, 2020, Julie Shook filed formal complaint 20FC:0099, alleging that the City of Tama (City) violated Iowa Code chapter 21.

At a city council meeting on September 21, 2020, the city council voted to move $50,000 in funding from the city library budget to fund two new part-time ambulance positions.  The agenda item listed for this action read “Ambulance open position.”  There was no indication on the agenda that the council would be reconsidering the library budget.

Legal counsel for the City responded to the complaint.  He argued that the agenda item encompassed all decisions resulting from consideration of the open position for ambulance personnel, including the funding for the position.  He stated that the library budget was the appropriate place to find this funding.  He added that although a vote was taken by the council to remove the funding from the library budget, final budget approval would not occur until later in the budgetary process.

 The City attorney also indicated that the City “will undertake to be more specific and detailed with respect to future agendas.”

Iowa Code section 21.4(1)(a) states that an agenda should be drafted “in a manner reasonably calculated to apprise the public….”  This agenda item did not mention funding of the ambulance positions or review of other City departments to transfer funding for the positions.  It did not meet the requirements of section 21.4(1)(a).

The agenda for the September 21, 2020, Council meeting was insufficient and did not provide adequate notice.

The Iowa Public Information Board (IPIB) accepted the formal complaint on November 19, 2020, as to the violation of Iowa Code section 21 and specifically 21.4(1)(a), violation of the requirements to provide adequate notice.

Pursuant to Iowa Code 23.9, the parties negotiated and reached an informal resolution.

The parties agree to the following terms:

1. The Council will acknowledge during an open meeting that the requirements for posting an agenda that provides adequate notice was not met, and this acknowledgement be recorded in the minutes of said meeting.
2. The Mayor and City Clerk shall create a checklist for providing notice for meetings including developing a procedure for drafting detailed agendas.
3. The Council shall conduct training during an open meeting for all council members and city clerk on Iowa Code chapters 21 and 22 (Sunshine Laws).  The Council may utilize the powerpoint training available on the IPIB website. The Council shall work with the city attorney or the Iowa League of Cities to provide the training to the council and clerk.
4. The Council shall approve this resolution during an open meeting and include the full text in the minutes of said meeting.  Said minutes shall be provided to the IPIB.

The terms of this informal resolution will be completed within 90 days of acceptance by all parties.  Upon showing proof of compliance, the IPIB shall dismiss this complaint as successfully resolved.

The City Clerk informed the Council of proposed changes to the budget. Due to the Covid relief received from the State the City know longer needed to make any cut to the Library budget in the FY21 amendment.

It was moved by Michael, seconded by Babinat to set the public hearing for the proposed budget amendment #1 for FY21 set for March 15, 2021 at 5:30 PM. Roll call vote all ayes. Motion carried.

It was moved by Beatty, seconded by Michael to approve Kelsey Staker for the volunteer ambulance position. Roll call vote all ayes. Motion carried.

It was moved by Babinat, seconded by Michael to approve Lynne Arp for the volunteer fire position. Roll call vote all ayes. Motion carried.

It was moved by Babinat, seconded by Michael to approving hiring 2 part-time seasonal employees to assist with mowing and water department maintenance. Roll call vote all ayes. Motion carried.

The Council discussed setting dates for Citywide clean up and what would be accepted for pick up. It was moved by Babinat, seconded by Michael to set the dates to April 19-23 and to pick up yard waste only, including fencing, rock, etc. Roll call vote all ayes. Motion carried.

It was moved by Thomas, seconded by Michael to approve advertising for mowing bids at the aquatic center and nuisance mowing and allowing for a 3-year contract. Roll call vote all ayes. Motion carried.

It was moved by Michael, seconded by Babinat to approve the purchase of a stump grinder from SkidPro in the amount of $6,287.10. Roll call vote all ayes. Motion carried.

Thomas presented updating current building codes and the council discussed gathering more information.

Reports: Babinat – would like to see the council continue to offer zoom for future council meetings.

Street Superintendent, Stuart Eisentrager - informed the council of broken downtown street lights. That will need to be further discussed.

Ray – would like to thank city crew for cleaning skatepark.

It was moved by Michael, seconded by Babinat to adjourn. 6:14 PM

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Doug Ray, Mayor Sierra Berger, Deputy City Clerk