

**MINUTES OF THE REGULAR MEETING
ZEARING CITY COUNCIL
ZEARING, IOWA
April 11, 2023**

7:00 PM Mayor Reed called the meeting to order and roll call was taken; Present: Tisdale, Skinner, Perisho and Murrell. Absent: Good.

Tisdale motioned to approve the agenda. Murrell seconded the motion. Motion carried, Ayes 4, Nays 0.

Tisdale motioned to approve the minutes from March 13, 2023. Murrell seconded. Motion carried, Ayes 4, Nays 0.

Murrell motioned to pay the claims from March 14, 2023 to April 11, 2023. Tisdale seconded the motion.

Motion carried, Ayes 4, Nays 0. Would like the library to attend next meeting to discuss expenses.

CLAIMS REPORT		
VENDOR	REFERENCE	AMOUNT
AG SOURCE COOP SERVICES	LAB WORK	27.5
ALLIANT ENERGY	ELECTRIC	3,448.99
AMES TRECHING & EXCAVATING	WATER SHUT OFF REPAIR	1,120.00
BOLTON & MENK	ENGINEERING SERVICES	2,851.50
CAPITAL ROOFING/EXTERIOR	108 E MAIN REPAIRS	27,000.00
CARDMEMBER SERVICE	SUPPLIES	2,238.93
ZEARING, CITY OF	ADDL HEALTH DED	64.84
COCHRAN HTG & CLG	FIRE STATION REPAIRS	395
DENTONS DAVIS BROWN PC	LEGAL FEES	5,104.00
GATEHOUSE MEDIA IA HOLDINGS	PUBLICATIONS	216.92
IA. ASSOC.OF MUN. UTIL.	MEMBERSHIP DUES	676
INNOVATIVE AG SERVICES	PROPANE	1,662.60
INTERNAL REVENUE SERVICES	FED/FICA TAX	1,747.26
IOWA REGIONAL UTILITIES ASSOC	WATER PURCHASE	3,577.60
I P E R S COLLECTIONS	IPERS	1,251.27
BAILEY SERVICE, LLC	GARBAGE SERVICES	5,709.00
KS STATEBANK	GEHL LEASE	3,000.00
MARCO	COPIER	144.94
MENARDS - AMES	SUPPLIES	138.15
MIDWEST ALARM SERVICES	CLINIC SERVICE	671.27
MINERVA VALLEY TELEPHONE	TELEPHONE	319.32
NEXT GENERATION BUILDINGS	WELL HOUSE BUILDING	4,211.42
PORTABLE PROS	PORTA POTTY	90
ROOFING INNOVATIONS, LLC	FASCIA/PAINT	2,068.81
SECURITY STATE BANK	SAFETY DEPOSIT BOXES	80
STAPLES	SUPPLIES	210.14
STORY COUNTY TREASURER	SAND/SALT	1,026.68
TREASURER- STATE OF IOWA	STATE TAXES	493.6
US BANK	COPIER	597.04
WELLMARK BC/BS	HEALTH INSURANCE	3,491.81
Accounts Payable Total		73,634.59
Payroll Checks		6,722.41
***** REPORT TOTAL *****		80,357.00

GENERAL		59,698.81
ROAD USE TAX		2,026.68
EMPLOYEE BENEFIT		3,491.81
WATER		11,775.39
SEWER		3,364.31
TOTAL FUNDS		80,357.00

Sheriff's Report – A deputy has graduated and another will be going in May. Concerns were shared about speeding that happens early in the morning on Main St. and on Pearl St.

Open Forum – Jean Watts – Heritage Room. Richard Schnormeier – S. Pearl St. Water Main Costs. Judy White-Rose – Welcome Baskets. Peggy Stuart – Meeting Opening with the Pledge of Allegiance.

NB: A. Public Hearing for the Proposed FY '24 Budget at 7:11pm. With no public comment, the Hearing was closed at 7:12pm. Tisdale motioned to approve the FY'24 Budget. Perisho seconded. Motion carried, Ayes 4, Nays 0.

Tisdale motioned to approve the Mayor signing the Proclamation of Economic Development. Skinner seconded the motion. Motion carried, Ayes 4, Nays 0.

Greg Piklapp from the Ames Chamber provided updates on tree grants for the community, the status of application for 102/104 W Main St, a housing development is in the future.

Tisdale motioned to approve the Mayor signing a request letter to the Board of Supervisor's to re-designate the ARPA funds awarded to the City of Zearing. Perisho seconded the motion. Motion carried, Ayes 4, Nays 0.

Tisdale motioned to allow Bolton & Menk apply for the DNR permitting only for the North Looping project. Murrell seconded the motion. Motion carried, Ayes 4, Nays 0.

Tisdale motioned to increase the water rate by 4% that has been increased by IRUA, for the June billing. Perish seconded the motion. Motion carried, Ayes 4, Nays 0.

Tisdale motioned to approve the IPIB Informal Resolution (following below) and have the Mayor sign the resolution. Murrell seconded the motion. Motion carried, Ayes 4, Nays 0. Richard Schnormeier, Complainant And City of Zearing, Respondent Case Number: 23FC:0010 Informal Resolution Richard Schnormeier filed formal complaint 23FC:0010 on January 27, 2023, alleging that the City of Zearing (City) violated Iowa Code chapter 21 by not including a member's vote in the minutes from the December 14, 2022, city council meeting. A review of the minutes from the December 12, 2022, council meeting shows that no individual votes are noted on any matters considered by the city council, except for one vote. A review of the January 9, 2023, council minutes also included votes without proper identification. Iowa Code section 21.3 provides the requirements for proper minutes: Each governmental body shall keep minutes of all its meetings showing the date, time and place, the members present, and the action taken at each meeting. The minutes shall show the results of each vote taken and information sufficient to indicate the vote of each member present. The vote of each member present shall be made public at the open session. The minutes shall be public records open to public inspection. Mr. Schnormeier also alleged a violation of Iowa Code chapter 22. However, he did not provide any details to determine that this allegation has merit. Therefore, this allegation is not considered. Iowa Code section 23.8 requires that a complaint be within the IPIB's jurisdiction, appear legally sufficient, and could have merit before the IPIB accepts a complaint. This complaint meets the necessary requirements for acceptance as to the matter of the minutes insufficiencies only. The formal complaint was accepted by the IPIB on March 3, 2023. Pursuant to Iowa Code 23.9, the parties negotiated and reached an informal resolution. The parties agree to the following terms: 1. The City Council will acknowledge at a public meeting that the minutes of meetings held on December 12, 2022 and January 9, 2023 were insufficient pursuant to Iowa Code chapter 21.3. This

acknowledgement shall be recorded in the minutes of said meeting. 2. The City shall conduct training during an open meeting for all council members and administrative staff on Iowa Code chapters 21 and 22 (Sunshine Laws). The City may utilize the power point training available on the IPIB website. The Council shall work with City Attorney and the Iowa League of Cities to provide the training to the Council and officials. 3. The City 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 60 days of acceptance by all parties. Upon showing proof of compliance, the IPIB shall dismiss this complaint as successfully resolved. THIS INFORMAL RESOLUTION HAS BEEN REVIEWED AND APPROVED BY THE FOLLOWING: _____ Richard Schnormeier Date _____ Tim Reed, Mayor Date of Meeting IPIB: _____ Chair Date

OB: The City attorney provided information about the sale of city alleys for the council to consider.

Delinquent water bills, 14 letters will be sent this month. \$8500.00 for those letters.

Nuisance Properties – City Attorney is researching the North Olive property. Council was requested to provide the clerk with property updates and photos. Question was asked about the property on Hwy 65. This is outside city limits and will be forwarded to the Story County Planning and Zoning Commission.

Insurance update: 108 E Main is finished; well house has been rebuilt and the park repairs are completed.

Planning and Zoning – 2 permits were approved. Working on suggestions for wording the Zoning Ordinances and the building permit application.

Superintendent report: Park and ballfield restrooms are open. Performing spring checks on the equipment. Starting lagoon drawdown on the 18th. Signs are ordered and the snow removal season went rather well. Posting for parttime summer help will begin.

Clerk Report – Working on FY’24 Budget. Watching webinars, contacting city attorney for the proper procedure for alley sales, nuisance abatements. Working with the EMC agent to complete repairs. Been making arrangements with engineer and contractors for projects.

Mayor Report – Thank you to Jean wats and the Heritage Room for the Vietnam Veterans Program. Thank you to the Park Board, The Methodist Church and Kathy Tisdale for the Easter Egg hunt, Pancake breakfast and being the Easter Bunny. Planting season is ahead of us, please drive carefully! SCHAT has sent funding request to be part of the program, recommend we join this opportunity. Maybe a chance in the future for a City Clean-up but there are many items that can be put on the curb for pick up.

Next regular meeting will be on May 8, 2023 at 7:00 PM at City Hall.

Tisdale motioned at 8:07 PM to adjourn meeting. Murrell seconded the motion. Motion carried, Ayes 4, Nays 0.

Tim Reed, Mayor of Zearing, Iowa

Attested:

Karen Davis, City Clerk of Zearing, Iowa