

**MINUTES OF THE REGULAR MEETING
ZEARING CITY COUNCIL
ZEARING, IOWA
March 9, 2020**

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

Obrecht motioned to add a new item to the agenda: Discussion of hiring an independent consultant to assist the Planning & Zoning Board with the primary purpose being the approval of Jerry Peck's building permits. Skinner seconded the motion and asked our legal counsel in attendance for her advice. Michele Brott, Davis Brown Law Firm, stated that it was not legal to add this item for a vote due to the public not being properly notified on the publicly posted agendas. Skinner retracted his motion. Murrell motioned to approve the agenda as originally posted. Tisdale seconded the motion. Ayes, 5; Nays, 0. Motion carried.

Murrell motioned to approve minutes from February 10, 2020 regular meeting and February 17, 2020 special meeting. Tisdale seconded the motion. Ayes, 5; Nays, 0. Motion carried.

Murrell motioned to pay the claims from February 11, 2020 to March 9, 2020. Obrecht seconded the motion. Ayes, 5; Nays, 0. Motion carried.

CLAIMS REPORT		
VENDOR	REFERENCE	AMOUNT
AG SOURCE LABORATORIES	LAB WORK	27
ALLIANT ENERGY	ELECTRICITY	3,634.86
AMES TRIBUNE	NEWSPAPER SUBSCRIPTION	61
BOUND TREE MEDICAL, LLC.	PUBLIC SAFETY	408.68
CARDMEMBER SERVICES	SUPPLIES	8339.85
CHILD SUPPORT COLLECTION SERVI	CHILD SUPPORT	572.3
CINDY PIERSON	REIMBURSEMENT OF WATER DEPOSIT	200
ZEARING, CITY OF	ADDL HEALTH DED	97.08
DAVISBROWN LAW FIRM	LEGAL FEES	4,635.50
DES MOINES REGISTER	NEWSPAPER SUBSCRIPTION	86.1
GANNETT	PUBLICATIONS	447.69
HALLETT MATERIAL	SAND/SALT	210.32
IA. ASSOC.OF MUN. UTIL.	MEMBERSHIP DUES	598
INNOVATIVE AG SERVICES	PROPANE	753.6
INTERNAL REVENUE SERVICES	FED/FICA TAXES	1,793.22
IOWA REGIONAL UTILITIES ASSOC	WATER PURCHASE	3,144.21
IOWA SECTION - AWWA	REGISTRATION FEES	55
I P E R S COLLECTIONS	IPERS	1,173.09
BAILEY SERVICE, LLC	GARBAGE SERVICE	4,918.00
JOHNSON SALES & SERVICE	REPAIRS	65
KAREN DAVIS	MILEAGE	113.8
KEY COOPERATIVE	SUPPLIES	31.99
KYLE CHITTY	MILEAGE	291.12
MARCO	COPIER	190.17
MIDWEST ALARM SERVICES	CLINIC FIRE SYSTEM	373.39
MINERVA VALLEY TELEPHONE	TELEPHONE	337.99

MORTON BUILDINGS, INC	DOWN PAYMENT	6,930.00
NEVADA HARDWARE	SUPPLIES	91.72
PENWORTHY/MEDIA SOURCE	BOOKS	265.1
STAPLES	SUPPLIES	105.77
US BANK	COPIER	248.49
WELLMARK BC/BS	HEALTH INSURANCE	4,621.41
WHEELER AUTO PARTS	SUPPLIES	37.56
Accounts Payable Total		36,519.16
Payroll Checks		5,647.08
***** REPORT TOTAL *****		50,506.09
GENERAL		36,930.86
ROAD USE TAX		210.32
EMPLOYEE BENEFIT		4,621.41
WATER		6,573.85
SEWER		2,169.65
TOTAL FUNDS		50,506.09

Sheriff's Report – There have been 4 calls in Zearing the past month. One at the library involving 2 youth breaking in, but that has been resolved. No other major activity.

During Open Forum, Jerry Peck, on the phone, read a statement that he and the Mayor had been in contact about his building permits. These conversations have been very positive and are allowing for the steps to be put in place for his building permits to move forward. Peck thanked the Mayor. Mayor Herr stated that Mr. Peck's shop permit has been given a variance by the Board of Adjustments. The house permit is being scheduled to go before the Board of Adjustments. PJ McBride updated the Council on the Heritage Group. Tim Adams has been helping the Heritage Group with their Facebook page and will be helping to digitize photos, documents and yearbooks. The board approved the purchase of these items and Mr. Adams will begin this work as soon as possible. Group received funds from St. Co. Historical Alliance. Richard Schnormeier asked a question about the property on N. Elm that is in a state of disrepair. Nuisance abatement notice will be sent and proceed with abatement procedures with legal advice. Jerry Peck had an additional comment. He explained the Mayor promised him a letter on city letterhead about his property.

New Business: Superintendent Jim Walker thanked the community for the support in passing the school bond. Walker discussed that owning/renting/leasing the property by the water tower may now be advantageous to the school for various possibilities during the deconstruction and construction process. Perisho motioned to donate the property to the school. There was much discussion about the easements, water lines and snow plowing in the winter. A question was asked about the use of the property and Walker explained the uses or potential uses. Parking, material staging or the possibility of portable classrooms depending on the time of the project. Skinner seconded the motion. Roll Call vote was taken; Nays- Obrecht, Tisdale and Murrell. Ayes- Perisho and Skinner. Murrell motioned to table continued conversation about the lot until more information could be discovered. Obrecht seconded the motion. Ayes,5; Nays,0. Motion carried. Walker asked what other information he could provide. Obrecht stated she needed more information about anything underground.

Dog issue at 102 E Custer. The situation with the rottweiler was described by Teri Thompson. The dog is known to charge and lunge at people despite being a heavy chain. The water meter is not able to be read and the school bus stops at the corner. There have been 2 former complaints about the dog running at large and a recent complaint with photos of the dog running at large. There is a lease ordinance and there is a question of why the owner is not complying. City Attorney Brott encouraged the updating of animal control ordinances to assist with enforcement. Nuisance/abatement action may be able to be taken. Attorney requested a copy of the 28E Agreement with Story County animal Shelter to review.

Eric Cowles from Bolton & Menk was in attendance to explain the DOT bridge funding grant that will be taking place. The grant was formerly an 80/20 style grant. This is changing to a 100% cost of construction that will be reimbursable. This would mean that the only costs to the City would be for engineering. This significantly lowers the cost of the project. Bolton & Menk would enjoy the opportunity to provide the engineering services for the City. They would provide a proposal and assist with how to proceed even if the City would not choose their services. Bolton & Menk hourly not to exceed in their proposal. The bid letting process has shortened to 4 months instead of 6 months. Winter work is allowed. Next step is to sign an agreement for funding with the DOT.

FY 2021 Budget proposal and setting of Public Hearing discussion began with the Mayor. The bridge revenue and expenses are included. Budget for legal fees were increased based on the current expenses and the projections for next fiscal year. The Mayor proposed a realistic budget. Obrecht started the conversation of wondering why the budget needed to be this high. When asked about the amount of contact Obrecht has made with attorneys, she stated she is an elected official and she can do that. Attorney Brott explained the 8 open records complaints all need to be legally responded to. If the City could have a policy and process in place, these complaints may decrease. Four complaints were from Mr. Peck and some others came from Obrecht. EMS members asked Obrecht to work together as a team with her Council members to resolve issues. The Mayor asked for the Council to consider the change in the DOT agreement. This would allow for the money to be put back in the departments. Perisho motioned to replace the funds to each department and hold the public hearing for the Budget on March 23, 2020 at 7pm. Murrell seconded the motion. Roll Call vote was taken: Ayes, Obrecht, Tisdale, Murrell, Perisho and Skinner. Nays:0. Motion carried.

Public Hearing for the purchase of an alley. Jerry Peck is requesting the selling of the alley. Alliant Energy has confirmed they are agreeable to this transaction. Official confirmation is still needed from Deb Thompson. Murrell motioned to set the public hearing for April 13th at 7pm. Obrecht seconded the motion. Ayes, 5; Nays, 0. Motion carried. Peck wanted to offer or request to purchase the alley for \$1.00.

Tisdale motioned to approve the Story County Law Enforcement Contract. Skinner seconded the motion. Ayes, 5; Nays, 0. Motion carried.

Obrecht turned to attorney Brott to explain the Public Purpose Doctrine to support the NESCO Rec Board donation request. Based on the State Auditor's recommendations, there was discussion if this would be an appropriate group to be able to make a donation to. Brott felt legally both parties are correct but the auditor is requesting the city to be conservative. Brott felt as long as a public purpose could be clearly stated, making a donation would be allowable. Discussion was had about how to distribute funds by having the NESCO Rec Board as a part of the City in the future. Murrell motioned to donate \$1350 to the NESCO Rec Board. Tisdale seconded the motion. Ayes, 4; Nays, 0. Abstained: Obrecht. Motion carried. The public purpose for the donation to the NESCO Rec Board is that it is a community-based organization that strives to make a positive impact on the lives and the well being of the community. Always has been to provide benefits to the city of Zearing and the youth organization. NESCO Rec is not a non-profit. Health wellness and safety.

After much discussion and many comments by everyone in the council chambers, Skinner motioned to have a deadline of the 15th of every month to turn in credit card receipts. If the 15th is on a weekend then they should be turned in on the working day closest to the 15th. Perisho seconded the motion. Ayes, 5; Nays, 0. Motion carried.

South Park Restrooms. After an active and lively discussion about bids, design and who should be in charge. Murrell motioned to see if the park and rec board is comfortable with taking of the bidding process and taking over the project. Perisho seconded the motion. Ayes, 5; Nays, 0. Motion carried.

Job Descriptions were discussed. Attorney Brott suggested having job descriptions for all part time positions in case of injury. Brott suggested that the supervisor's write the descriptions.

Policy and Procedure Updates to the following: Open records policy and request form; Contacting City Attorney; Conflict of interest; Returned check fee and Copy, Fax and Printing Fees. Peck asked for public input to be allowed. Attorney Brott stated that these are procedural policies that are not required to be opened to the public. Davis explained the reasoning for all of these policies to be implemented as there was confusion about who was presenting them. Brott explained that many cities have these types of policies in place. Murrell motioned to table the policies for another month to give more of an opportunity to review them. Obrecht seconded the motion. Ayes, 5; Nays, 0. Motion carried.

Perisho explained that there was a request to rent a commercial unit at 108 E Main on a month to month basis until the building was sold. There was discussion about the pros and cons of renting the building while trying to sell it. Rick Reed then asked the question of Perisho about the NESCO Board renting the entire bottom floor. The City changed direction about the building being for sale. Hansen Family Hospital was interested in having Physical Therapy in the building as Reed said. Perisho apologized for misunderstanding the needs of the Hospital. Reed expressed that the City needs more unity at this point instead of division. Hansen is still interested in bringing in physical therapy. Meeting with Hansen is approaching to discuss this possibility. Handicap accessibility was discussed if the building would be used for physical therapy. The discussion was agreed to be tabled to inquire with the interested parties and the terms of a lease.

Perisho motioned to set the City clean-up date for April 18th. Murrell seconded the motion. Ayes, 5; Nays, 0. Motion carried. Question was asked about having an extra clean up day in the Fall.

Old Business: Delinquent water bills. Currently, there are no letters to be sent out. Accounts have been staying current to their agreements.

Codification Update – Dustin Ingram is reviewing the current planning and zoning codes for Iowa code updating purposes. Jerry Peck inquired if the fence height might be changed to 8 feet in the future. Tisdale mentioned that a variance can be given for this issue. It was agreed that this could possibly be changed in the future.

Superintendent report: Chitty has been attending classes to keep CEU's current. Working on trimming trees and doing general clean-up. Tisdale asked if wooden barricades could be placed around 102 & 104 W Main.

Clerk Report – Budget and talking to the attorneys.

Mayor Report – On vacation for 10 days this past month.

Dustin Ingram from the Ames Chamber was in attendance and offered any assistance with projects the City is involved in or would like to start.

Special Council Meeting will be held on Monday, March 23, 2020 at 7 PM at City Hall.
Next Regular City Council will be held on Monday, April 13, 2020 at 7 PM, at City Hall.

Tisdale motioned at 9:29 PM to adjourn meeting. Murrell seconded the motion. Ayes, 5; Nays 0. Motion carried.

Martin Herr, Mayor of Zearing

Attested:

Karen Davis, City Clerk of Zearing, Iowa

**MINUTES OF THE SPECIAL MEETING
ZEARING CITY COUNCIL
ZEARING, IOWA
March 23, 2020**

7:00 PM Mayor Herr called the meeting to order and roll call was taken;
Present: Obrecht (via phone), Tisdale Murrell Perisho (via phone) and Skinner.

Public Hearing was held to Adopt the FY 2021 Budget. Tisdale motioned to Adopt the Budget for FY 2021. Skinner seconded the motion. Roll Call vote was taken. Ayes – Obrecht, Tisdale, Murrell, Perisho and Skinner. Nays – none. Motion carried.

Murrell motioned at 7:02 PM to adjourn meeting. Tisdale seconded the motion. Motion carried.

Martin Herr, Mayor of Zearing

Attested:

Karen Davis, City Clerk of Zearing, Iowa