

**THE REGULAR MEETING  
OF THE BLUE GRASS CITY COUNCIL  
BLUE GRASS, IOWA                      MARCH 20, 2017**

The Blue Grass City Council met in regular session at 7:00 p.m. on the 20<sup>th</sup> day of March 2017, in the City Council Chambers of City Hall, 114 N. Mississippi Street, pursuant to law, with Mayor Timothy Brandenburg presiding, with the Pledge of Allegiance and a moment of reflection. The following Council members were present: Chuck Barton, Brad Schutte, James Goodin, Bonnie Strong and Lisa Smith. City Attorney William McCullough and City Engineer Mike Janecek were also in attendance.

**APPROVAL OF AGENDA:** Council member Barton moved to approve the Agenda as presented, seconded by Council member Goodin. A roll call vote was taken: Barton-aye, Goodin-aye, Smith-nay, Strong-aye and Schutte-aye. Motion carried.

**MAYORAL COMMENTS:** Mayor Brandenburg announced the following: “Welcome to your Blue Grass City Council meeting. If you are not a member of the Fire, Ambulance, or Police Department, please turn off or silence your cell phones, pagers, etc. It is your right to be heard; however, please ask to be recognized by the Mayor. After being recognized, please stand and state your name and address. In an effort to keep the meeting on task, please limit your comments or concerns to several minutes. Please have the courtesy to allow the person speaking to finish uninterrupted. Thank you”.

**PUBLIC FORUM:** From those in attendance, there were none.

**CONSENT AGENDA:**

- 1. Motion to approve the minutes of the February 6, 2017 City Council meeting**
- 2. Motion to approve the minutes of the February 15, 2017 Committee of the Whole meeting**
- 3. Motion to approve the minutes of the February 21, 2017 City Council meeting**
- 4. Motion to adopt Resolution 2017-07 ref: authorizing an expenditure from the Fire Township Funds**
- 5. Payment of claims**

Council member Goodin made a motion to approve the consent agenda as presented, seconded by Council member Barton. A roll call vote was taken: Goodin-aye, Barton-aye, Smith-aye, Strong-aye and Schutte-nay. Motion carried.

**PARK BOARD:** Park Board Secretary Kim Kelly reported the following:

- 6. Park Board Report:** The February/March 2017 report consisted of the following: process of finalizing the 2017 YMCA Summer Youth Program that will tentatively run for six weeks beginning June 13; Board met with the President of the Little League to discuss the 2017 season; tentatively set the Pumpkin Dash for October 21, 2017 with an alternative date of October 14, 2017 adding that the Board’s intentions for setting the event to a later date was for several reasons such as it is the end of soccer season and that with the 21<sup>st</sup> being closer to Halloween, the pumpkins will be more in season; the Board was in the process of filing for a grant to construct restroom facilities at Black Bear Park. Council member Strong expressed her concerns on the much needed improvements to the other City Parks asking why the Board chose Black Bear Park. She said that it was her recollection that the last three grants have gone towards Black Bear Park. Ms. Kelly said that the Board’s decision was to focus and finish one park at a time and with Black Bear Park being so close to being complete, the Board can then focus on the other parks. She reminded the Council that once the restroom facilities at Black Bear Park were complete the Park can then be rented out. Council member Goodin said that, too, the Board was possibly looking at it from a revenue source to help offset improvement costs to other parks. Ms. Kelly continued to report that apparently the Board missed the deadline to file for a grant through MidAmerican Energy’s Trees Please; however, with the assistance of the City Clerk, she was able to talk with representatives from MidAmerican Energy to accept the Board’s application. The Clerk said that Council member Smith had originally brought it to her attention that no application had been filed;

therefore, she then contacted MidAmerican Energy's liaison Mr. Doug Haiston who was able to get the Board's application accepted. Council member Strong inquired about the 4<sup>th</sup> of July holiday being included in the six week YMCA Summer Youth Program. Ms. Kelly said that the Board had two options to either skip that week or drop the price and after much discussion, it was the Board's intentions to drop the price so that more children could attend.

**ENGINEER REPORT:** City Engineer Mike Janecek reported the following:

**7. Engineer Report:** Janecek reported that he has been in contact with the City in regards to constructing restroom facilities at Black Bear Park and that McClure Engineering, at the City's request can prepare and draft preliminary plans and/or specifications if needed.

**8. North Mississippi Street Rehabilitation Project:** After completion of the "Design Phase Engineering" of the rehabilitation of North Mississippi Street, the City was awarded grant monies through both the STP and TAP; however, these grants exclude any utility construction costs. Total project costs are estimated at \$2,744,887.95.

Janecek reported that the check plans were submitted to the Iowa Department of Transportation (IDOT) and McClure Engineering was waiting for the IDOT's comments to come back at which time McClure Engineering will address those particular comments, the City can begin the bid letting process during the Fall of 2017 with a construction timeline of 2018. Discussion was held on the timeline of events associated with the project. Janecek reassured the Council McClure Engineering has met each deadline according to the IDOT's project timeline; however, he would confer with both the Bi-State Regional Commission and the IDOT.

**9. Status of North Lift Station:** The City Council awarded the contract to Hometown Plumbing & Heating in the amount of \$219,739.73 for the reconstruction of the North Lift Station with a completion date of May 31, 2016.

Janecek reminded the Council that the City was still holding a \$1,000.00 retainage on the job until Hometown Plumbing & Heating completes the grading and seeding in Spring of 2017. He said that according to the Public Works Director it was his recommendation that Hometown Plumbing & Heating over seed as it was lacking growth at the current time.

**10. Update: I.D.N.R. NPDES Permit:** Previously the City had received notification from the Iowa Department of Natural Resources (IDNR) mandating that the City comply with the new regulatory reporting in regards to the City's NPDES Permit. The new requirements are creating a major financial hardship as the new permit requirements include the reporting of ammonia nitrogen limits and E. coli limits.

Janecek reported that McClure Engineering had submitted the facility plan as required and the IDNR requested that the City do soil borings; therefore, McClure Engineering will have to conduct soil borings as requested and provide to the IDNR. He also reported the McClure Engineering had submitted the Antidegradation Alternatives Analysis Report accordingly and once McClure Engineering receives the IDNR's comments, he would then review in depth the findings with the Council along with a complete review of the Facility Plan that includes estimated costs and options.

**11. Mayne Street Resurfacing Project:** Janecek reported that at the request of the Council, he prepared a Contract Agreement in the amount of \$14,750.00 to perform professional surveying and engineering services for the resurfacing and reconstruction of Mayne Street. He proceeded to brief the Council on the scope of the project along with services rendered in the Agreement. Janecek said that once the Council approves, he will begin the plans and specifications and start the bidding phase along with surveying. Council member Schutte moved to approve McClure Engineering's Contract Agreement in the amount of \$14,750.00, seconded by Council member Strong. A roll call vote was taken: Schutte-aye, Strong-aye, Smith-aye, Barton-aye and Goodin-aye. Motion carried.

**POLICE DEPARTMENT:** Police Sergeant Garrett Jahns reported the following:

- 12. Police Department Report:** The February 2017 report consisted of the following: 32 traffic contacts with 21 citations written and 21 warning citations issued with a total of 110 calls for service during the month and 3 arrests. Other Police Business: Officer Roberts was in his 10<sup>th</sup> week of training with 5 more weeks of training left reporting that Officer Roberts was coming along very well; reported that during the month of February Officer Guinn responded to the Blue Grass Elementary School informing them of a potential weather threat advising the Principal not to dismiss the children until the threat was gone. Sergeant Jahns reported that the Department has received several compliments for Officer Guinn's actions. Council member Strong expressed serious concerns on the school not mandating that the children go to their designated safe place. She said that the school has drills to prepare the children to go to their safe place; however, in this situation the School did not enforce the policy. Sergeant Jahns agreed to have the Department get in contact with the School for better preparedness and share this information with the other Officers. Sergeant Jahns asked the Council for permission to send Officer Guinn to Field Training Officer School so that Officer Guinn can assist Sergeant Jahns in various jobs within the Department. He reported that the Department had the funds in their training budget. Council member Strong moved to send Officer Guinn to the Field Training Officer School, seconded by Council member Goodin. A roll call vote was taken: Strong-aye, Goodin-aye, Schutte-aye, Smith-aye and Barton-aye. Motion carried.
- 13. Government Traffic Safety Bureau Conference:** Sergeant Jahns asked for permission for both himself and Officer Roberts to attend the 2017 Governor's Highway Traffic Safety conference April 19 through April 20, 2017 with early registration fees of \$50.00 each. He also reported that he was selected by a representative from the Governor's Office Traffic Safety to receive the Commissioner's Special Award on Traffic Safety due to his outstanding support of traffic safety in the State of Iowa and for his educational efforts on Facebook as coordinator of the Blue Grass Police Department. Sergeant Jahns said that he plans on sending Officer Guinn to the conference next year. Council member Schutte moved to allow both Sergeant Jahns and Officer Roberts to attend the 2017 Governor's Highway Traffic Safety conference, seconded by Council member Strong. A roll call vote was taken: Schutte-aye, Strong-aye, Goodin-aye, Smith-aye and Barton-aye. Motion carried. Council member Strong read aloud a newspaper article from March 4, 2017 that listed the students from the Fall 2016 Presidents List that listed Sergeant Jahns. Mayor and Council congratulated Sergeant Jahns on his accomplishments.
- 14. TRACS Equipment:** Sergeant Jahns briefed the Council on the new TRACS equipment that was available for all Iowa public law enforcement agencies state wide to help assist Officers by collecting data and then sending data electronically directly to the Iowa Department of Transportation. He said that the new equipment will boost productivity as it will decrease the Officers time involved whether he or she is issuing a citation or issuing an affidavit on an arrest or accident, etc. Sergeant Jahns expounded on the equipment needed in order to initiate the TRACS in each squad which estimated \$1,043.06. He said that the volunteer records clerk had also reported that by initiating the TRACS it will reduce the amount of time she spends on filing various reports. Discussion was held. Council member Goodin moved to allow the Police Department to purchase the TRACS equipment, seconded by Council member Schutte. A roll call vote was taken: Goodin-aye, Schutte-aye, Barton-aye, Smith-aye and Strong-aye. Motion carried. Council member Goodin expressed concerns on the lack of storage capacity the Department has on their video equipment recommending that perhaps the next grant cycle look at upgrading their storage data equipment. Sergeant Jahns replied that with the Department's new computers, the storage capacity was upgraded for their video equipment. Discussion was held on the Department's use of their body camera and whether an Officers camera should be on their entire shift or not. Sergeant Jahns said that during the Government Traffic Safety's Conference he will inquire with the various vendors to see what equipment is out there that will be sufficient.

**LICENSING & RENEWAL(S):** The City Clerk reported that the Alcoholic Beverage Division confirmed that both the Blue Grass Community Club and Uncle Harley's Bar & Grill have successfully completed their liquor license renewal applications; therefore, were submitting the liquor license to the City for local jurisdiction approval. Sergeant Jahns reported that he had no issues with either of the license renewals.

**15. Liquor License renewal ref: Blue Grass Community Club:** Council member Schutte moved to approve the Blue Grass Community Club's liquor license renewal, seconded by Council member Strong. A roll call vote was taken: Schutte-aye, Strong-aye, Smith-aye, Barton-aye and Goodin-aye. Motion carried.

**16. Liquor License renewal ref: Uncle Harley's Bar & Grill:** Council member Goodin moved to approve Uncle Harley's Bar & Grill liquor license renewal, seconded by Council member Smith. A roll call vote was taken: Goodin-aye, Smith-aye, Schutte-aye, Strong-aye and Barton-aye. Motion carried.

**INSURANCE:**

**17. Insurance Renewal – April 1, 2017 through April 1, 2018 ref: Porter Insurance Agency:** Porter Insurance Agency representative Chris Porter reported that the City had received a dividend refund in the amount of \$4,866.91 from Employers Mutual Casualty Company (EMC) and further explained how EMC arrives at their dividend refunds. He proceeded to explain that the City's Property and Casualty Insurance coverage for 2017-2018 had increased from last year and that the City's Experience Modification Factor had also increased due to the last 3-years of losses; however, not as much as he originally anticipated. Council member Smith moved to renew the City's insurance coverage with Porter Insurance Agency for the period of April 1, 2017 through April 1, 2018, seconded by Council member Schutte. A roll call vote was taken: Smith-aye, Schutte-aye, Strong-aye, Barton-aye and Goodin-aye. Motion carried.

**PUBLIC HEARING(S):**

**18. Public Hearing ref: Adoption of the Fiscal Year 2017-2018 City of Blue Grass Budget:** Council member Goodin made a motion to close the regular meeting and open the public hearing, seconded by Council member Schutte. A roll call vote was taken: Goodin-aye, Schutte-aye, Strong-aye, Smith-aye and Barton-aye. Motion carried. The public hearing was opened at 7:40 p.m.

Mayor Brandenburg opened the public hearing for discussion. The Clerk read aloud the Notice of Public Hearing Budget Estimate for the fiscal year beginning July 1, 2017 and ending June 30, 2018, reporting that there were no written or oral objections. She reported that the Finance Committee had held a budget work session on February 13, 2017 to discuss and review the proposed Fiscal '17-'18 City Budget reporting that the levy rate was originally set for 12.49061 percent setting a public hearing date of March 6, 2017; however, at the time the meeting was held, it was discovered that the Clerk had, in error omitted the meeting time on the agenda; therefore, the Council canceled the meeting. The Clerk said that due to the publication requirements, the earliest date possibly to hold a public hearing was March 20, 2017; therefore, she republished the notice reporting that since the budget would not be timely filed with the Iowa Department of Management the City had to revert back to the previous fiscal year's revenues; therefore, reducing the levy rate to 11.22612 percent. She continued to report the following pertinent information: January 1, 2016 Valuations: \$55,689,160.00 in general property tax valuations and \$1,018,121.00 in agricultural land tax valuations; EXPENDITURES: Public Safety: \$403,875.00; Public Works: \$371,146.00; Health and Social Services: \$ .00; Culture and Recreation: \$74,682.00; Community and Economic Development: \$811,482.00; General Government: \$250,358.00; Debt Service: \$170,950.00; Capital Projects: \$2,700,000.00 and Business Type Activities: \$945,262.00; Transfers Out: \$3,443,150.00; totaling the FY '17-'18 Expenditures to \$9,170,905.00; REVENUES: Taxes Levied on Property: \$617,414.00; TIF Revenues: \$811,482.00; Other City Taxes: \$210,817.00; Licenses & Permits: \$20,900.00; Use of Money and Property: \$2,995.00; Intergovernmental: \$1,157,148.00; Charges for Fees & Services: \$318,186.00; Special Assessments: \$.00; Miscellaneous: \$8,000.00; Other Financing Resources: \$700,000.00; Transfers In: \$3,443,150.00; totaling the FY '17-'18 Revenues to \$7,290,092.00; Long-Term Debt Payment Schedule for the FY '17-'18: Public Safety

Building Project Note \$170,950.00; Freightliner Dump Truck Note \$8,000.00 and the Freightliner Pumper Truck Note \$27,000.00 totaling \$205,950.00. The Clerk then reviewed the estimated costs of the North Mississippi Street Rehabilitation Project in regards to both the Street portion and the sidewalk replacement reiterating what portion of the project was covered by the Federal Grant and what expenses would qualify for Low-To-Moderate Tax Increment Financing and what the estimated costs would be to the City. She also broke down the estimated project costs associated with the Mayne Street Rehabilitation Project and what expenses would qualify for Low-To-Moderate Tax Increment Financing and what the estimated costs would be to the City.

Mayor Brandenburg asked for further discussion, and since there were none, Council member Schutte made a motion to close the public hearing and reopen the regular meeting, seconded by Council member Goodin. A roll call vote was taken: Schutte-aye, Goodin-aye, Barton-aye, Smith-aye and Strong-aye. Motion carried. The public hearing was closed at 7:53 p.m.

- 19. Resolution 2017-06 ref: adopting the City of Blue Grass Annual Budget for Fiscal Year 2017-2018:** Council member Goodin introduced Resolution 2017-06. Council member Goodin made a motion to adopt Resolution 2017-06 adopting the 2017-2018 City Budget for the City of Blue Grass as presented, seconded by Council member Strong. A roll call vote was taken: Goodin-aye, Strong-aye, Barton-aye, Schutte-aye and Smith-aye. Motion carried.

**CITY BUILDINGS:** City Buildings Chair Brad Schutte reported the following:

- 20. Boiler @ Public Safety Building Maintenance/Replacement:** Chair Schutte reported that unfortunately, the Public Safety Building's boiler went down and had to be replaced; therefore, together, he and the Public Works Director worked diligently to provide temporary heat to both the Medic portion of the building and the Police Department. He said that the new boiler will be an upgrade to what is currently installed costing approximately \$7,200.00. Mayor Brandenburg added that the Public Works Director reported that the battery backup system to the entire building was also in need of replacing the batteries. Public Works Director Lonnie Robertson added that there were 24 batteries that were in need of replacing with estimated costs of approximately \$3,000.00. He said that he was in the process of obtaining bids. Further discussion was held on the battery backup system within the building. Council member Schutte reminded the Council that the Public Safety Building was open 24/7 365 days a year and that, unfortunately, the City is going to put money into it whether it be repairs, maintenance, etc. in order for it to run efficiently.

**NUISANCE ABATEMENT(S):** Nuisance Committee Chair Chuck Barton reported the following:

- 21. Nuisance Abatement(s):** Chair Barton referred to the "Concerned Citizens Log Book" reporting that a complaint was filed from Dr. Bayne in regards to the adjacent two properties. It was the consensus of the Council to have the Police Department make contact with both property owners prior to issuing a nuisance abatement letter.

**GRANT:**

- 22. Appointment of Grant Committee:** Mayor Brandenburg appointed Council members Strong and Goodin to the newly established Grant Committee. He said that this Committee will review any and all grant requests and select what grant they feel fits the needs of the City. The Clerk added that once the Committee selects a grant they will then collect the information and forward to the Bi-State Regional Commission who will then write the grant as part of the City's membership. Council member Strong replied that she is overwhelmed with all the various Committees she is currently assigned too. Mayor Brandenburg said that he would take a second look at realigning the Committees. Council member Smith reported that for the record, she is currently not assigned to any Committees.

- 23. Grant Proposals:** Mayor Brandenburg reported that at the last meeting both the Parks and Police Department had submitted a grant request; however, due to the meeting being canceled, the Council was unable to review and approve the grant submittals. The Clerk said that, unfortunately due to the timeline

the Mayor authorized that both the Parks Department and the Police Department submit their requests. She said that the Bi-State Regional Committee has begun the grant process as they are due April 1<sup>st</sup>.

**POLICY & ADMINISTRATION:**

- 24. Use of Council Chambers:** Council member Smith reported that she had requested that this item be placed on the agenda as it was brought to her attention that the Mayor volunteered the Council Chambers for a school meeting asking why they were not charged. Mayor Brandenburg reported that he was approached by the PTA in regards to the possibility of establishing a West Scott High School; therefore, since it was a City function he agreed to meet in the Council Chambers. He said that the American Legion has offered their hall for future meetings due to the overwhelming response. The Clerk informed the Council that in the past, the City has allowed non-profit businesses to use the Council Chambers free of charge such as the Cemetery Board, Fire Township Trustees, etc. Further discussion was held in regards to the use of public buildings.
- 25. Assistance with Mediacom Litigation:** McCullough asked for the Council's permission to hire Attorney Mike Walker with litigation matters in reference to Mediacom. He reminded the Council that in the past whenever the City was in litigation, they used Attorney Mike Walker. Council member Schutte asked Mr. McCullough if he felt the need for assistance at which time Mr. McCullough reported that the Attorney's representing Mediacom were a rather large law firm; therefore, yes he would request Mr. Walker's assistance. Council member Strong moved to approve the hiring of Attorney Mike Walker for assistance with litigation matters in reference to Mediacom, seconded by Council member Schutte. A roll call vote was taken: Strong-aye, Schutte-aye, Barton-aye, Smith-aye and Goodin-aye. Motion carried.
- 26. Clerk's Report:** The February 2017 report consisted of the following: a total of 114 accounts that were accessed a \$5.00 late fee; 14 delinquent letters were sent out totaling \$1,827.87 that were due February 27, 2017 reporting that all were paid within the time prescribed with the exception of three accounts that were charged a \$25.00 late fee and were later paid; however, there were three new liens placed due to non-payment and a foreclosure; 12/24/16 to 01/23/17 billing period totaling \$43,798.41 and a total of \$6,725.61 in the arrears; reviewed the list of outstanding Street Assessments, Sidewalk Assessments, Snow Removal Liens and Utility Liens; assisted McClure Engineering in retrieving information for the WWTF Plan and published the required notice accordingly; worked diligently with the IT Director from the Bi-State Regional Commission on troubleshooting City emails; contacted the Director of the Iowa Department of Management in reference to the late filing of the City's budget at which time the Director directed her how to reduce the City's revenues to last year's FY '16-'17 budget and coordinated with the QC Times in regards to the republishing of the budget hearing notice; readjusted both the State's reports and the City's budgetary reports; coordinated grant requests from both the Park Board and the Police Department that were to originally be presented to the Council at the March 6, 2017 meeting; however, due to the meeting being canceled the Mayor authorized both the Parks Department and the Police Department to submit their grant requests; therefore, she coordinated with the Bi-State Regional Commission on getting the grants written accordingly due to the timeline of the grants; worked with Office Machine Consultants on installing the City's new server as it was very time consuming as she had to coordinate with both the software company and Badger Meter adding that she had Office Machine Consultants take the City's old server to properly destroy requesting that a letter be sent verifying that the server was destroyed properly as in the past Auditors have requested that the City provide proof that the City's equipment was destroyed properly; purchased licensing for the server; submitted several documents to the Auditor prior to their arrival; assisted two State Auditors the week of March 13<sup>th</sup> as they were performing the City's Annual Examination Audit and that she will continue to assist until their audit is complete at which time she will review at a City Council meeting and was still not set up to reconcile the City's Utility Billing Reconciliation Report as of yet due to the software conversion.

- 27. Mayoral Duties & Responsibilities ref: Chapter 2.16 Mayor:** Council member Schutte reported that he had requested that Chapter 2.16 Mayoral Duties & Responsibilities be placed on the meeting agenda as he wanted the entire Council to be aware of exactly what the Mayor's duties and responsibilities were. Council member Smith questioned Chapter 2.16 as the Chapter does not refer to whether the Mayor has the right to place anything on the agenda without the Council's approval. McCullough said that either the Mayor or Council or citizens have the right to place an item on the agenda; however, it is the Council's decision whether they wish to discuss that item or not.
- 28. Set Special Meeting ref: Sale of Water Assets:** McCullough previously reported that the Iowa Utilities Board had recommended that the Office for Consumer Advocate be consulted and involved in the purchase of the City's water utility to decide whether the purchase of the water utility not only benefits the City of Blue Grass but benefits all of IAWC's customers. He said that according to the Office for Consumer Advocate, the argument in question is whether IAWC's purchase is fair to all the IAWC's customers as they will have to subsidize the 3-year rate freeze even though IAWC claims that the purchase will not have impact any of their customers as they plan on utilizing their set aside reserves; therefore, IAWC is requesting to meet with the Council before the Iowa Utilities Board holds their April public hearings to see if the City was interested in renegotiating the 3-year rate freeze and come to an agreement on subsidizing the rate freeze. Council expressed concerns on renegotiating the 3-year rate freeze as residents were told that the City had negotiated a 3-year rate freeze. Further discussion was held. A tentative meeting date was set for Tuesday, March 28, 2017 at 7:00 p.m.
- 29. Council decision regarding Chapter 66 of the Code of Iowa:** Mayor Brandenburg referred to Chapter 66 of the Code of Iowa in regards to City Elected Officers displaying signed original Oath of Office forms from himself, City Attorney, City Clerk and every Council member swearing that we will uphold the law of the State of Iowa and the City of Blue Grass; therefore, it is difficult and unfortunate for me, as Mayor and sometimes the Police Department have to investigate issues pertaining to its citizens. He then referred to an incident that took place within the City with a Council member that unfortunately had to be investigated reporting that he was going to play the "911" tape at which time, Council member Smith requested that the Mayor not play the tape requesting that the City Attorney intervene. McCullough stopped the Mayor from the playing the tape stating that there is no reason behind the playing of the tape. Council member Smith proceeded to explain that there is no factual or legal merit behind playing that tape as the case was closed by both the Blue Grass Police Department and Scott County Attorney Mr. Cusack two months ago. McCullough interjected by explaining that the incident was investigated by both the Blue Grass Police Department and the Scott County Attorney's Office and according to the investigated reports and eye witness testimonies, no charges were forthcoming; however, the Council must determine whether disciplinary action should take place under Chapter 66 as it explains that any City Officer elected by the people may be removed from Office, after hearing on written charges filed with the Council by two-thirds vote of the entire Council. Council member Schutte reported that it was his opinion that since no action was determined that it was not a criminal misdemeanor and that no charges were filed. Mayor Brandenburg added that the wording in the reports was "he chose not to file charges" and that it was his discretion not to do so; therefore, there are the legal issues and the civil issues. McCullough replied that there was an email that he received from Mr. Cusack saying that they did not feel that any criminal charges could be sustained and that the matter was considered closed; however, reminded the Council that under Chapter 66, they may decide to take no action or they can vote to have formal charges written regarding this particular issue. Council member Schutte questioned the Attorney on the process, whether a motion was needed to take action or not take action. McCullough, again reminded the Council that if an item is placed on the agenda that the Council feels there needs to be no discussion and/or action, it is the Council's decision. Mayor Brandenburg proceeded to explain that he had spoken with a representative from the Iowa League of Cities at which time was interrupted by Council member Schutte stating that this issue was done informing Mayor Brandenburg that it was in the Council's hands. Mayor Brandenburg stated that he has the right to speak

at which time Council member Schutte informed the Mayor that he did not have the right to do the investigation in the first place and that this matter has been brought to the City Council and it was a City Council matter. Mayor Brandenburg proceeded to explain that he does have the right to speak and was again cut off by Council member Schutte who again, informed Mayor Brandenburg that he did not have the right to speak and that the matter was over. Mayor Brandenburg explained that the Council does not have the all the facts reminding them that he, as Mayor was the Chief Officer of the City at which time Council member Schutte reminded the Mayor that he was not the Chief of Police in Blue Grass as that is the way the Mayor has presented himself and that he took this issue and ran with it and that we do not need any more discussions over it. He said that the Council either votes to go through with Chapter 66 or votes not too. The Mayor again tried to explain that he had spoken with a representative from the Iowa League of Cities at which time the City Attorney stopped the discussion and said that before going into any further discussion, that there needs to be a motion on the floor; at which time there was no motion. Council member Goodin referred to an editorial in the newspaper in regards to this very same issue and it was his opinion that the issue should be determined by the voters and that he does not believe that this discussion needs to be at this level. He said that he is not saying whether he agrees with what occurred. Council member Smith questioned whether the Mayor had the right to place this particular item on the agenda or not. Council member Schutte stated that this item is done and to move on. Council member Goodin agreed that no more discussion be held but was a question for the Attorney. Council member Schutte said that once this item comes across the table as Council discussion regarding Chapter 66, if it goes anywhere it does and if it does not which it appears like it is not going anywhere then the Council should move on. Council member Barton agreed with Council member Goodin and said leave it to the voters in November or the residents can bring it up and file a petition if they choose too. Council member Strong agreed, that the discussion was over. Council member Goodin added that he is unaware on how the petition works but it seems the consensus of the Council was that the discussion is over. Council agreed.

**COMMENTS AND FUTURE AGENDA ITEMS:** Council member Schutte requested that Disciplinary Action be placed on the next meeting agenda in regards to the last Council meeting.

Council member Smith requested a copy of all the loses accumulated at the March 6, 2017 Council meeting when she had brought to the Mayor's attention that the meeting was an illegal meeting that he hosts.

Council member Strong brought to the Council's attention that she had received a mailing on Next Door Blue Grass that is a free website asking that residents join on building a better neighborhood. She asked if the City had any information in regards to this mailing. The Clerk replied that she had no knowledge of the mailings and to her knowledge City Hall has received no telephone calls.

Resident Tim Rhoades reported that there was a third party company trying to sell a third party software to patrons at the Blue Grass Drive-In Theatre that is apparently a scam and that it was reported to Scott County Sheriff's Office.

**RECESS:** Council member Goodin moved to take a 5-minute recess, seconded by Council member Schutte. A roll call vote was taken: Goodin-aye, Schutte-aye, Strong-aye, Smith-aye and Barton-aye. Motion carried. The meeting recessed at 8:46 p.m.

Council member Schutte moved to return from recess, seconded by Council member Barton. A roll call vote was taken: Schutte-aye, Barton-aye, Strong-aye, Goodin-aye and Smith-aye. Motion carried. The meeting reconvened at 8:53 p.m.

**POLICY & ADMINISTRATION (Cont'd):**

**30. Personnel Evaluation(s) ref: upon request – Closed Session, Section 21.5(i) Code of Iowa:** Mayor Brandenburg informed Mr. Guinn, according to Section 21.5 (i) of the Code of Iowa, Personnel Evaluations, that Mr. Guinn may request a closed session at which time Mr. Guinn requested to go into closed session. Council member Barton moved to close the regular session and go into closed session, seconded by Council member Schutte. A roll call vote was taken: Barton-aye, Schutte-aye, Smith-aye, Goodin-aye and Strong-aye. Motion carried. The regular meeting closed at 8:54 p.m.

Council member Schutte moved to reopen the regular session, seconded by Council member Strong. A roll call vote was taken: Schutte-aye, Strong-aye, Smith-aye, Goodin-aye and Barton-aye. Motion carried. The regular meeting reconvened at 9:40 p.m.

Council member Strong reported that she had had a very good conversation with Mr. Matt Sampson. McCullough reported that Mr. Sampson was being represented by Attorney Mr. Joe Polaschek who is preparing a Variance for Mr. Sampson and that he was providing Mr. Polaschek with the information needed related to Mr. Sampson's Variance. Council member Strong noted that Mr. McCullough had charged the City for a 1.75 hours on the time he spent on Mr. Sampson's Variance expressing financial concerns as it was clearly understood that Mr. Sampson was to pay for the Variance meeting. McCullough replied that the Variance meeting will be paid for by Mr. Sampson. Mayor Brandenburg reported that both he and the Attorney had met with Mr. Polaschek to further discuss the Variance.

**12. To Strategize the sale and/or purchase of real estate – Closed Session, Section 21.5(j) Code of Iowa:** Mayor Brandenburg referred to Section 21.5 (j) of the Code of Iowa, announcing that the Council would be going into closed session. Council member Schutte moved to close the regular meeting and go into closed session, seconded by Council member Goodin. A roll call vote was taken: Schutte-aye, Goodin-aye, Barton-aye, Smith-aye and Strong-aye. Motion carried. The regular meeting was closed at 9:42 p.m.

Council member Schutte moved to reopen the regular meeting, seconded by Council member Goodin. A roll call vote was taken: Schutte-aye, Goodin-aye, Barton-aye, Smith-aye and Strong-aye. Motion carried. The regular meeting reconvened at 9:45 p.m.

**ADJOURNMENT:** Council member Schutte made a motion to adjourn, seconded by Council member Barton. All ayes, motion carried. The meeting adjourned at 9:46 p.m.

---

Mayor, Timothy Brandenburg

---

Attest: Ann M. Schmidt, CMC, City Clerk/Financial Officer

**CLAIMS REPORT 03-06-17**

3E ELECTRICAL	BLDG & GROUNDS MAINT	300.00
ALEXIS FIRE EQUIPMENT	EQUIPMENT OPERATIONS	1,534.80
AT&T	TELEPHONE/FAX/INTERNET	109.86
BABE'S TERMITE & PEST CONTROL	BLDG & GROUNDS MAINT	50.00
BP	VEHICLE OPERATIONS	817.19
CENTRAL STATES H & W FUND	HEALTH INSURANCE	8,198.00
CENTURYLINK	TELEPHONE/FAX/INTERNET	393.38
COMPASS MINERALS AMERICA	SALT	3,158.40
DAUFELDT, RAY	TELEPHONE/FAX/INTERNET	45.00
DICK-N-SONS LUMBER	BLDG & GROUNDS MAINT	124.71
DOWNING, ROBERT	TELEPHONE/FAX/INTERNET	15.00
ELECTRIC PUMP	LIFT STAT-MAINT/REPAIRS	679.20
HENNING, KEVIN	TELEPHONE/FAX/INTERNET	15.00
HUMANE SOCIETY OF SCOTT CO.	ANIMAL CONTROL	50.00
IA ASSO OF MUNI UTILITIES	PROFESSIONAL FEES	377.20
INSIGHT PUBLIC SECTOR	COMPUTER PURCH-MAINT	700.17
JLEE OIL	VEHICLE OPERATIONS	30.00
MAS MODERN MARKETING	EQUIPMENT OPERATIONS	1,304.52
MCCLURE ENGINEERING	ENGINEERING	4,469.00
MCCULLOUGH, WILLIAM	LEGAL SERVICES	2,925.00
MENARDS	BLDG & GROUNDS MAINT	222.62
MIDAMERICAN ENERGY	UTILITIES	6,741.38
MIDWEST BREATHING AIR	EQUIPMENT OPERATIONS	148.82
OFFICE MACHINE CONSULT	EQUIPMENT OPERATIONS	225.00
OTERO DOOR WORKS	BLDG & GROUNDS MAINT	526.25
PANTHER UNIFORMS	UNIFORM ALLOW/SUPPLIES	139.50
RAGAN MECHANICAL	BLDG & GROUNDS MAINT	1,347.89
ROBERTSON, LONNIE	TELEPHONE/FAX/INTERNET	25.00
SCHMIDT, ANN	TELEPHONE/FAX/INTERNET	25.00
SCOTT COUNTY SHERIFF	JAIL EXPENSE	25.00
TC AUTO	VEHICLE OPERATIONS	1,178.27
VERIZON WIRELESS	TELEPHONE/FAX/INTERNET	368.21
<b>***** REPORT TOTAL *****</b>		<b>36,269.37</b>

**FUND TOTALS**

GENERAL FUND	15,686.55
ROAD USE FUND	3,158.40
EMPLOYEE BENEFITS	5,850.00
WATER FUND	3,741.53
SEWER FUND	7,832.89
<b>****</b>	<b>36,269.37</b>

**CLAIMS REPORT 03-20-17**

AHERN FIRE PROTECTION	BLDG & GROUNDS MAINT	150.00
BABE'S TERMITE & PEST CONTROL	BLDG & GROUNDS MAINT	50.00
CASEY'S GENERAL STORES	VEHICLE OPERATIONS	522.95
CENTURYLINK	TELEPHONE/FAX/INTERNET	127.62

EASTERN IA LIGHT & POWER	UTILITIES	1,414.43
GENESIS HEALTH GROUP	MEDICAL	109.00
GENESIS OCCUP'L HEALTH	MEDICAL	69.00
JEFF'S MARKET	BLDG & GROUNDS MAINT	7.14
MR. STEPHAN MARKHAM	METER DEPOSIT REFUND	50.00
MEDIACOM	TELEPHONE/FAX/INTERNET	466.22
MODERN MARKETING	EQUIPMENT OPERATIONS	406.23
NATIONAL PLAYGROUND	EQUIPMENT OPERATIONS	3,114.00
OFFICE MACHINE CONSULT	COMPUTER PURCH/MAINT	4,860.78
PHILLIPS BROS. RENTALS	EQUIPMENT OPERATIONS	56.85
QC ANALYTICAL SERVICES	TESTING	2,578.96
REPUBLIC SERVICES	GARBAGE/RECYCLING	7,724.12
SANDRY FIRE SUPPLY	EQUIPMENT OPERATIONS	4,641.00
SCOTT COUNTY SHERIFF	JAIL EXPENSE	50.00
TALL GRASS BUSINESS RESOURCES	OFFICE OPERATIONS	459.02
UNITYPOINT HEALTH	MEDICAL	57.00
WITMER PUBLIC SAFETY GROUP	EQUIPMENT OPERATIONS	132.98
<b>***** REPORT TOTAL *****</b>		<b>27,047.30</b>

**FUND TOTALS**

GENERAL FUND	11,931.36
ROAD USE FUND	14.22
WATER FUND	721.83
SEWER FUND	2,155.77
SANITATION FUND	7,724.12
FIRE TOWNSHIP FUND	4,500.00
<b>*****</b>	<b>27,047.30</b>