

City of Marquette
Regular Council Meeting
Marquette City Hall
Tuesday, March 12, 2019 @ 6:00 p.m.

Mayor Weipert by called the meeting to order at 6:00 PM with roll call and pledge of allegiance. The Mayor opened the Public Hearing for the 2019/2020 Budget. Brodie-Fitzgerald does not agree that Marquette pay more per capita than McGregor for police protection. No other comments were made. Motion made by Ries, second by Young to approve **Resolution 2019-05 to Approve the 2019/2020 Budget**. Roll call vote: Ayes: Ries, Halvorson, Soulli, Young; Nays: Brodie- Fitzgerald. Motion carried. **Motion** by Brodie-Fitzgerald, second by Soulli to approve the consent agenda to include: agenda, 2/12/19 minutes, bills & claims in the amount of \$77,183.39 (after discussion on proper authorization to incur attorney fees), February bank reconciliations, and February financial reports with revenue of \$84,452.60 and expenditures of \$71,445.25. Roll call vote, all ayes, motion carried.

Public comment by Denny Mason about improper parking and trash at the home on Emma Big Bear Trail. It is not aesthetically pleasing for citizens visiting the overlook. The Mayor reported the owner of the property has been contacted. Mr. Mason was granted permission to put up 2 martin houses on the riverfront. Committee Reports: Chamber provided a director report and discussed upcoming events. Police Chief Millin presented monthly activity report & press releases. Officer Ploessl has accepted a position with another police department. The Chief will be interviewing applicants later this week. The Wetland Centre submitted a director update for review. **Motion** made by Ries, second by Brodie-Fitzgerald to approve the Depot Expansion Change order dated 12.6.2018 for (\$851.90). Roll call vote, all ayes, motion carried. **Motion** made by Halvorson, second by Young to approve Mätt Constructions pay request of \$14,012.50 for work completed on the Depot Expansion project. Roll call vote, all ayes, motion carried. City Council reviewed a proposal for new signs for the Depot. **Motion** made by Ries, second by Brodie-Fitzgerald to table the decision until information on the frame & cost can be reviewed. Roll call vote, all ayes, motion carried.

Motion made by Brodie- Fitzgerald, second by Young to approve the final reading of **Ordinance 406 Updating Temporary Vacancy Language and Increasing Sanitary Sewer Rates**. Roll Call vote. Ayes: Brodie-Fitzgerald, Halvorson, Soulli, Young; Nays: Ries. Motion carried. Based on recommendation from the Personnel Committee, **Motion** by Young, second by Ries to offer Applicant A the full time Public Works position, and if rejected, offer the position to Applicant B. Roll call vote, all ayes, motion carried. Attorney Heidi C. Weiland read Informal resolution 18:FC0098 Anne Kruse/City of Marquette:

“On October 25, 2018, Anne Kruse filed formal complaint 18FC:0098. She alleged that the City of Marquette (City) violated Iowa Code chapter 21 when the city council held an improper closed session.

On October 3, 2018, the City held a ‘special hearing’ regarding a dog removal order. The Notice and Agenda did not list the possibility for a closed session during the meeting. After the hearing, the public was asked to leave the room to allow for deliberation. No votes to enter a closed session were taken. Apparently, the city council voted on a plan of action and notified the dog owner in writing at a later date.

The Mayor responded to the complaint and agreed to the described activities by the city council. He also stated that because it was considered a ‘special hearing’, the requirements of Iowa Code chapter 21 did not apply. He described the public behavior as disruptive, with interrupting, yelling, crying, and arguing. As a result, the city council could not deliberate with the public present.

He asked the members of the public to leave voluntarily, and everyone left. He did not consider this to be a closed session.

Whether the City intended this to be a closed session is not relevant. The city council held a meeting as defined by Iowa Code section 21.2. Asking people to leave to allow for deliberation and action was, in effect, conducting a closed session. The requirements of Iowa Code section 21.5 were not observed.

The Iowa Public Information Board (IPIB) accepted the form complaint on December 13, 2018, as to the violation of Iowa Code section 21.5, violation of closed session.

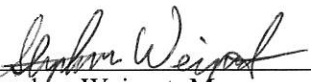
Pursuant to Iowa Code 23.9, the parties negotiated and reached an informal resolution. The parties agree to the following:

1. The Council will acknowledge that the described actions occurred.
2. The Council will acknowledge that the agenda for the October 3, 2018 meeting was defective because the agenda did not list the possibility of going into closed session or the reason for a closed session.
3. The Council or City Clerk shall develop a checklist for holding a closed session.
4. The Council shall conduct training for all Council members on Iowa Code chapters 21 and 22 (Sunshine Laws). The Council may utilize the powerpoint training available on the IPIB website. The City Attorney or designee may conduct the training.
5. 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 60 days of acceptance by all parties. Upon showing proof of compliance, the IPIB shall dismiss this complaint as successfully resolved.”

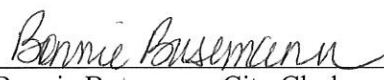
The resolution has been reviewed and signed by Anne Kruse. **Motion** by Brodie Fitzgerald, second by Young to approve **Informal Resolution 18:FC0098 Anne Kruse/City of Marquette**. Roll call vote, all ayes, motion carried. **Motion** by Brodie-Fitzgerald, second by Soulli that Group Benefit Partners be our health insurance agent. Roll call vote, all ayes, motion carried. **Motion** by Halvorson, second by Soulli to table discussion on a Community Garage Sale and Spring Clean Up date selection until April due to flood potential. Roll call vote, all ayes, motion carried. **Motion** by Brodie-Fitzgerald, second by Halvorson to table the proposal from Advanced Systems Laserfiche until April and request a representative provide additional information. Roll call vote, all ayes, motion carried.

Mayor extended a thank you to Dennis Mason and Frank Ries for help with snow removal and public works during the hiring process. Marquette is meeting with McGregor tomorrow afternoon to begin preparation for major floods predicted. We will keep citizens informed. **Motion** by Halvorson, second by Soulli to adjourn at 6:52PM. All ayes, motion carried.



Stephen Weipert, Mayor

Attest:



Bonnie Basemann, City Clerk