

City of Durant Council Meeting
08/24/2020

Mayor Scott Spengler called meeting to order at 6:00p.m. Notice was provided that the City Council of the City of Durant, Iowa, would meet in regular session but due to limited seating the public could attend electronically at <https://global.gotomeeting.com/join/700255645>: or by phone: +1 (408) 650-3123: Access Code: 700-255-645. Roll call of Members present: Quiram, Sterner, Mundt, Schulz, and Price. City staff: Police Chief Orville Randolph, Sgt. Mike Meier, PW Dir. Jared Semsch, City Ops Officer/Clerk Deana Cavin, and Julie Sprague, City Attorney.

Consent agenda: Member Sterner motioned, seconded by Member Quiram, to approve the agenda, city bills and minutes from August 17, 2020 council meeting. Ayes: Price, Schulz, Mundt, Sterner, Quiram Nays: None Motion carried. Public Input: None

Public Hearing for FY2021 Budget Amendment: Member Sterner motioned, seconded by Member Quiram, to open public hearing. Ayes: All Nays: None Motion carried. Clerk reported no comments for or against the amendment. Member Sterner motioned, seconded by Member Mundt, to close the public hearing. Ayes: All Nays: None Motion carried.

Consider Res. 2020-40 Approval of the First Budget Amendment for 2021: Member Sterner motioned, seconded by Member Price, to approve Res. 2020-40 approving the Budget Amendment for FY2021. Ayes: Quiram, Mundt, Price, Schulz, Sterner Nays: None Motion carried.

Consider ordinance to allow golf carts, and ATVS in city corporate limits: Mayor Spengler reported this topic had been tables from a previous meeting so council had time to look over everything that was presented at the last meeting. Mayor Spengler inquired if council had questions, recommendations, or suggestions. Member Mundt inquired how many Durant residents were on the petition. Clerk reported 759 Durant citizen signatures; 7 Business owners, 50 were not Durant citizens, and there were some individuals listed more than once, so they were discounted after their first signature. Member Quiram inquired as to the difference in an ATV and a UTV. Member Sterner stated ATV has the throttle on the handle and the UTV would be a side by side vehicle. Member Quiram inquired about the speed of a side by side and noise. Member Sterner replied they are a lot faster than a golf cart like cars. Member Mundt reported he did not feel the noise was an issue because there are Harley Davidson motorcycles, and trucks with loud mufflers. Mayor Spengler clarified tonight's meeting was for council to decide to support or not support the request of an ordinance for golf carts, ATVs, and UTVs. A committee would be formed to write the ordinance. Member Price reported she did inquire of friends and neighbors about their opinions concerning this issue. She was told some people that signed the petition thought they were only signing for golf carts, not the other two vehicles. Some people were not in favor of the other two because of negative experiences with people driving illegally. Member Sterner recommended each council person express whether they would entertain an ordinance or not. He specifically would like to limit the ordinance to UTVS and Golf carts, with sunrise to sunset hours. Mayor reported specifics would be written in the first draft for first reading. Member Quiram stated she was in favor of UTVs, and golf carts, no ATVs, and a no tolerance policy. Member Price reported she was in favor of golf carts, and UTVs with specifics. Member Schulz stated he was in favor of all three because he felt if you eliminate one it will cause issues; he stated the Police Department is here to enforce the rules. Resident Brad Utter inquired if public could speak at this time. Mayor Spengler stated this council meeting was for council's consideration. This topic was tabled from the last meeting where people from public spoke for or against the proposed ordinance. Following further discussion among council Member Sterner motioned, seconded by Member Price, to draft an ordinance allowing for golf carts, and UTVs within city corporate limits of Durant. Ayes: Price, Schulz, Mundt, Sterner, Quiram Nays: None Motion carried.

City Clerk: Consider bid for new roof at city hall due to storm damage: Clerk reported the insurance adjuster had investigated the damage, and there would be some coverage for the roof but not for a full reroof. She presented an estimate from ARB Construction Inc, for \$13,377.29 plus \$335 if 50 yr. lifetime warranty shingles were preferred. Members Sterner and Schulz inquired about the option of a steel roof. Clerk will request another quote for the next council meeting.

Clerk reported the phone system as city hall is having some issues since the storm on August 10th. The internet speeds have been drastically reduced due to storm repair, and so many users getting on line with schools and colleges starting up.

At 6:30p.m. Member Mundt motioned, seconded by Member Schulz to enter into closed session under: Iowa Code : 21.5 (j) *To discuss the purchase or sale of particular real estate only where premature disclosure could be reasonably expected to increase the price the governmental body would have to pay for that property or reduce the price the governmental body would receive for that property. The minutes and the audio recording of a session closed under this paragraph shall be available for public examination when the transaction discussed is completed.* Ayes: All Nays: None Motion carried.

Before council could begin closed session Resident Brad Utter inquired as to why he was turned down for a request of open records for the binder that was provided to council and Police Chief at the last meeting. Clerk explained once the attorney determined it was protected under Iowa Code 22.7 (65), she could not provide a copy or chance to review it. Mr. Utter argued he didn't agree with the City Attorney's interpretation of the code section. Clerk explain there was nothing she could do override the decision. The city attorney is the person that would represent the city in any court procedures. Mayor Spengler informed Mr. Utter he could retain his own legal counsel to further dispute the issue. Mayor Spengler directed the meeting to move into closed session. Council resumed to open session at 6:54 p.m. Member Sterner motioned, seconded by Member Schulz, to direct the city attorney to decline the proposed sale of city property to The Overland Group LLC. Ayes: Price, Schulz, Mundt, Sterner, Quiram Nays: None Motion carried. Member Mundt motioned, seconded by Member Sterner, to refuse the proposed offer to buy out cell tower lease by SBA located at Feldhahn Park. Ayes: Quiram, Sterner, Mundt, Schulz, Price Nays: None: Motion carried. With no other business before council, meeting was adjourned at 6:57 p.m.

Scott Spengler, Mayor

ATTEST:

Deana Cavin, City Operations Officer/Clerk

City of Durant Vendor Name	Claims List 08-24-2020	
Advanced Business Systems	Copier maint & copies 3 mths.	413.73
Airgas USA LLC	CC rent CO2 cylinders	59.68
Alliant Energy	Scott Co Electric-Street lights	25.42
Batteau, Sarah	CC deposit refund	250.00
Bosch Pest Control Inc	Pest control-city buildings	100.00
Callison, Leslie	CC deposit refund (1/3)	83.33
CCP Industries Inc	Disinfectant spray & wipes	348.16
Cintas Corporation #342	Shop towels, CH & CC mats	193.11
Dell Marketing LP	CC-Dell Latitude 3510	861.28
DeLong, Rebecca	CC deposit refund (1/3)	83.33
EFTPS	Fed/FICA tax	5627.24
	Donation Feldhahn butterfly garden-Judy	
Heuer, Mark	Morton	25.00
Hopkins & Huebner P.C.	Legal fees	36.00

Iowa Interstate RR LTD	Norfolk Dr sign/maint/elec	208.89
IPERS	IPERS	7419.96
John Deere Financial	Park-mower parts	98.91
Levetzow, Viola	JC Park shelter refund	35.00
Muscatine Co Treasurer	Full year property tax-sewer agland	288.00
Paper, Jenny	CC deposit refund (1/3)	83.34
Polydyne Inc	WWTP-polymer clarifloc	1257.57
Postmaster	Water billing postage-stamps	280.00
Price Oil Co Inc	Fuel	1126.07
Ron Alpen Ford Inc *	2020 F150 FD Chief's vehicle	20789.00
Sam's Club MC/SYNCB *	CC supplies & membership	146.99
Sprague Law PC	Legal fees 6/16/20 to 7/15/20	1314.00
Staples	Office supplies	517.71
State Hygienic Laboratory	Water testing	190.00
SYNCB/Amazon	Misc supplies	69.74
Tisinger, Tim	CC rent refund	200.00
Treasurer of Iowa-IA-WH	State tax	1954.00
VISA	Water education & CH-Logmein	278.95
Windstream	CH-DSL	114.09
Payroll		16875.48
Total		61,353.98

* Denotes paid early due to invoice due date

Fund Totals	
General	25,784.64
Road Use Tax	3,507.61
Fire Department	21,615.62
Water	3,948.80
Sewer	6,497.31
Total	61,353.98

