

01 August 2023 Minutes of the Regular and Committee of the Whole Meetings of the Silvis City Council held in Silvis City Hall, Council Chambers, 121 11th Street Silvis at 6:30pm.

1) Pledge of Allegiance:

Mayor Matt Carter called the 01 August 2023 Regular meeting of the Silvis City Council to order at 6:30pm and led the Silvis City Council in the Pledge of Allegiance.

2) Roll Call:

Mayor Matt Carter asked City Clerk Amy Malmstrom to call Roll.

Members Present: Alderman Tony Trulson, Alderman Bob Cervantes, Alderman Doug Greer, Alderman Craig Pirmann, Alderman Rick Lohse, Alderman Dave Rice, Alderman Joshua Dyer, Alderwoman Chrissy Winters

3) Public Comment:

Steve Marinaccio

4) Vote to establish the consent agenda to include the following: (Read, then vote)

Motion:

Alderman Craig Pirmann made a motion to accept the Consent Agenda as read. Motion seconded by Alderman Rick Lohse.

Vote:

Members Vote: Alderman Tony Trulson - Yes, Alderman Bob Cervantes - Yes, Alderman Doug Greer - Yes, Alderman Craig Pirmann - Yes, Alderman Rick Lohse - Yes, Alderman David Rice - Yes, Alderman Joshua Dyer – No, Alderwoman Chrissy Winters - Yes

Motion carried 7 ayes 1 nays

Motion:

Alderman Dave Rice made a motion to establish the Consent Agenda with just items A, C & D. Motion seconded by Alderman Rick Lohse.

Vote:

Members Vote: Alderman Tony Trulson - Yes, Alderman Bob Cervantes - Yes, Alderman Doug Greer - Yes, Alderman Craig Pirmann - Yes, Alderman Rick Lohse - Yes, Alderman David Rice - Yes, Alderman Joshua Dyer – Yes, Alderwoman Chrissy Winters - Yes

Motion carried 8 ayes 0 nays

6): Vote to approve items on the consent agenda

Motion:

Alderman Doug Greer made a motion to approve the Consent Agenda with items A, C & D only dated 1 August 2023. Motion seconded by Alderman Craig Pirmann.

Vote:

Members Vote: Alderman Tony Trulson - Yes, Alderman Bob Cervantes - Yes, Alderman Doug Greer - Yes, Alderman Craig Pirmann - Yes, Alderman Rick Lohse - Yes, Alderman David Rice - Yes, Alderman Joshua Dyer – Yes, Alderwoman Chrissy Winters - Yes

Motion carried 8 ayes 0 nays

Regular Meeting

01 August 2023

7) Discussion and potential action to approve any items removed from the Consent

Agenda

Motion:

Alderman Joshua Dyer made a motion to approve the Consent Agenda item B with corrections Adam Kinzinger instead of Eric Kiesinger, times of challenge and controversy instead of time of challenging controversy. Motion seconded by Alderman Rick Lohse.

Vote:

Members Vote: Alderman Tony Trulson - Yes, Alderman Bob Cervantes - Yes, Alderman Doug Greer - Yes, Alderman Craig Pirmann - Yes, Alderman Rick Lohse - Yes, Alderman David Rice - Yes, Alderman Joshua Dyer – Yes, Alderwoman Chrissy Winters - Yes

Motion carried 8 ayes 0 nays

9) Agenda items for discussion and possible action:

A) Finance

Item 1) New lease agreement for Computers at City Hall

Motion:

Alderman Craig Pirmann made a motion to approve the lease agreement with Platinum for new computer at City Hall NTE \$3200/month for lease. Motion seconded by Alderman Rick Lohse.

Vote:

Members Vote: Alderman Tony Trulson - Yes, Alderman Bob Cervantes - No, Alderman Doug Greer - Yes, Alderman Craig Pirmann - Yes, Alderman Rick Lohse - Yes, Alderman David Rice - Yes, Alderman Joshua Dyer – Yes, Alderwoman Chrissy Winters - Yes

Motion carried 8 ayes 0 nays

B) Ordinance

Item 1) Zoning Ordinance amendments

Motion:

Alderman Doug Greer made a motion to approve amending Zoning Ordinance 2023-21. Motion seconded by Alderman Craig Pirmann.

Vote:

Members Vote: Alderman Tony Trulson - Yes, Alderman Bob Cervantes - Yes, Alderman Doug Greer - Yes, Alderman Craig Pirmann - Yes, Alderman Rick Lohse - Yes, Alderman David Rice - Yes, Alderman Joshua Dyer – Yes, Alderwoman Chrissy Winters - Yes

Motion carried 8 ayes 0 nays

C) Public Works

Item 1) Engineering Services Agreement with IMEG

Motion:

Alderman Bob Cervantes made a motion to approve Engineering Services Agreement with IMEG in the amount of \$45,019.00 for 14th St. Project. Motion seconded by Alderman Craig Pirmann.

Vote:

Members Vote: Alderman Tony Trulson - Yes, Alderman Bob Cervantes - Yes, Alderman Doug Greer - Yes, Alderman Craig Pirmann - Yes, Alderman Rick Lohse - Yes, Alderman David Rice - Yes, Alderman Joshua Dyer – Yes, Alderwoman Chrissy Winters - Yes

Motion carried 8 ayes 0 nays

Item 2) Kubota Engine Replacement by Kunau

Motion:

Alderman Bob Cervantes made a motion to approve Kubota Engine Replacement by Kunau in the amount of \$7,397.39. Motion seconded by Alderman Craig Pirmann.

Vote:

Members Vote: Alderman Tony Trulson - Yes, Alderman Bob Cervantes - Yes, Alderman Doug Greer - Yes, Alderman Craig Pirmann - Yes, Alderman Rick Lohse - Yes, Alderman David Rice - Yes, Alderman Joshua Dyer – Yes, Alderwoman Chrissy Winters - Yes

Motion carried 8 ayes 0 nays

Item 3) Engineering Services Agreement with Hutchinson Engineering

Motion:

Alderman Bob Cervantes made a motion to approve Engineering Services Agreement with Hutchinson Engineering in the amount NTE \$7,500 for STBG Hospital Road Project. Motion seconded by Alderman Dave Rice.

Vote:

Members Vote: Alderman Tony Trulson - Yes, Alderman Bob Cervantes - Yes, Alderman Doug Greer - Yes, Alderman Craig Pirmann - Yes, Alderman Rick Lohse - Yes, Alderman David Rice - Yes, Alderman Joshua Dyer – Yes, Alderwoman Chrissy Winters - Yes

Motion carried 8 ayes 0 nays

10) City Attorney Report: None

11) City Administrator's Report:

Jerry said there has been progress on the Hammond Grow facility, they are building it right now. The old Slugger's has been turned over to the new owners. They have the keys and are getting a design together. They will be getting that to Tom, so they can get the permits to start building it out. It will be Punk Rock Pizza and Brewery. Regarding the solar I have looked further into it; the delay has not been with the solar company the delay has been with the state and the reimbursement of cost back to the city. That has been approved and they are going ahead with the engineering of the fire station. It is slated to happen this coming year in 2024. TIF 8 extension is progressing with an open meeting on August 16th at 1:30, the developer and all other taxing bodies will be there. We are taking a grant writing class, to learn a little bit more about that. The digital billboard company will be here tomorrow and is working on a finalized report for us. Josh asked about the solar at the public works building and Jerry said they do not have any signed contracts on that. Amy said she is going to look into that because she thinks Simple Ray and one other company were doing the bid, maybe Iowa Solar.

12) City Engineer's Report: None

13) City Treasurer's Report: In Packet

14) City Clerk's Report:

Amy said we tried to go live today with the website and had a few hiccups, so we will be going live tomorrow. There are a few photos missing that I still need, I am very happy with it. Once it is live, I will send it out to everyone. If you see anything we can change, edit, or update please let me know. It is very user friendly and very clean. Zoning Board of Appeals will be having a Cannabis zoning Public Hearing on Monday the 21st, to move forward on the Ordinance. The grant writing course I am also taking, and I have been cleaning up files and ordinances. I have been working with Brad for accounting along with Matt, they are drafting up a proposal for outsourcing accounting.

Regular Meeting

01 August 2023

15) Mayor's Report:

Mayor Matt Carter said one of the downtown businesses is doing something different, Strictly Southern on May 4th and 5th from 12 to 10 pm will be selling food out the back instead of just catering. Thank you to everyone who did show up for the Night Out Against Crime. Alderman Trulson, Alderman Pirmann, Alderman Cervantes & Alderman Rice, it was about 30 to 40 kids there. Just amazing but we did 186 feet for the Rock Snake, we are still waiting to hear from other Cities. Geneseo was at 104 feet. We have collected \$465 for the Silvis Food Pantry and we will leave that open until the end of the week if anyone wants to round that up.

Call for adjournment of the Regular Meeting of the Silvis City Council.

Mayor Matt Carter said if there was no more business to bring before the 01 August 2023 Regular Meeting of the Silvis City Council, he would entertain a motion to adjourn.

Motion:

Alderman Craig Pirmann made a motion to adjourn from the 01 August 2023 Regular Meeting of the Silvis City Council. Motion was seconded by Alderman Rick Lohse.

Vote:

Motion carried via voice vote:

01 August 2023 Regular Meeting of the Silvis City Council adjourned at 6:55 pm

Committee of the Whole

01 August 2023

17) Call the Committee of the Whole to Order & Roll Call

Mayor Matt Carter called the 01 August 2023 Silvis Council Committee of the Whole Meeting to order at 6:55 pm and asked City Clerk Amy Malmstrom to call the Roll.

Roll Call

Members Present: Alderman Tony Trulson, Alderman Bob Cervantes, Alderman Doug Greer Alderman Craig Pirmann, Alderman Rick Lohse, Alderman Dave Rice, Alderman Joshua Dyer, Alderwomen Chrissy Winters

18) Comments from the Audience

19) Agenda items for discussion:

D) Finance

Item 1) Tri City Electric Phone System Renewal

Alderman Craig Pirmann discussed renewing the Tri City Electric Phone System maintenance agreement for 1 year in the amount of \$1,971.00.

Motion:

Alderman Craig Pirmann made a motion to place approval of renewing the Tri City Electric Phone System maintenance agreement for 1 year in the amount of \$1,971.00 on the 15 August 2023 agenda for approval. Motion seconded by Alderman Dave Rice.

Vote:

Members Vote: Alderman Tony Trulson - Yes, Alderman Bob Cervantes - Yes, Alderman Doug Greer - Yes, Alderman Craig Pirmann - Yes, Alderman Rick Lohse - Yes, Alderman David Rice - Yes, Alderman Joshua Dyer - Yes, Alderwoman Chrissy Winters - Yes

Motion carried 8 ayes 0 nays

Committee of the Whole

01 August 2023

Item 2) New Public Works Truck for Parks Department

Alderman Craig Pirmann discussed purchasing a new 2023 Utility Public Works Truck for the Parks Department NTE \$60,000.

Motion:

Alderman Craig Pirmann made a motion to place purchasing a new 2023 Utility Public Works Truck for the Parks Department NTE \$60,000 on the 15 August 2023 agenda for approval.

Motion seconded by Alderman Doug Greer.

Vote:

Members Vote: Alderman Tony Trulson - Yes, Alderman Bob Cervantes - Yes, Alderman Doug Greer - Yes, Alderman Craig Pirmann - Yes, Alderman Rick Lohse - Yes, Alderman David Rice - Yes, Alderman Joshua Dyer – Yes, Alderwoman Chrissy Winters - Yes

Motion carried 8 ayes 0 nays

E) Economic Development

Item 1) Hammond Enterprise TIF agreement

Alderman Craig Pirmann discussed the Hammond Enterprise TIF agreement.

Motion:

Alderman Craig Pirmann made a motion to place the Hammond Enterprise TIF agreement on the 15 August 2023 agenda for approval. Motion seconded by Alderman Rick Lohse.

Vote:

Members Vote: Alderman Tony Trulson - Yes, Alderman Bob Cervantes - Yes, Alderman Doug Greer - Yes, Alderman Craig Pirmann - Yes, Alderman Rick Lohse - Yes, Alderman David Rice - Yes, Alderman Joshua Dyer – Yes, Alderwoman Chrissy Winters - Yes

Motion carried 8 ayes 0 nays

F) Ordinance

Item 1) 2023-23 Establishing procedures for recording Closed session meetings.

Alderman Doug Greer discussed ordinance 2023-23, establishing procedures for the recording of closed session meetings.

Motion:

Alderman Doug Greer made a motion to place the ordinance 2023-23, establishing procedures for recording Closed session meetings on the 15 August 2023 agenda for approval. Motion seconded by Alderman Craig Pirmann.

Vote:

Members Vote: Alderman Tony Trulson - Yes, Alderman Bob Cervantes - Yes, Alderman Doug Greer - Yes, Alderman Craig Pirmann - Yes, Alderman Rick Lohse - Yes, Alderman David Rice - Yes, Alderman Joshua Dyer – No, Alderwoman Chrissy Winters - Yes

Motion carried 7 ayes 1 nays

Item 2) 2023-25R Revised Intergovernmental Agreement with MABAS

Alderman Doug Greer discussed 2023-25R Revised Intergovernmental Agreement with MABAS.

Motion:

Alderman Doug Greer made a motion to place the 2023-25R Revised Intergovernmental Agreement with MABAS on the 15 August 2023 agenda for approval. Motion seconded by Alderman Dave Rice.

Vote:

Members Vote: Alderman Tony Trulson - Yes, Alderman Bob Cervantes - Yes, Alderman Doug Greer - Yes, Alderman Craig Pirmann - Yes, Alderman Rick Lohse - Yes, Alderman David Rice - Yes, Alderman Joshua Dyer – Yes, Alderwoman Chrissy Winters - Yes

Motion carried 8 ayes 0 nays

Item 3) Resolution: 2023-22R Authorizing Destruction of Audio Recordings of Closed Session Minutes

This item was removed from the Agenda.

20) City Staff Reports

A) Fire Department:

Chief Winters had nothing.

B) Inspections Department:

Tom had nothing.

C) Police Department:

Chief VanKlaveren had nothing.

D) Public Works & Parks:

Joe Rockwell said we have a new hire who started Monday. I need to get a Personal meeting together to discuss hiring 1 more to get to our 12. We have had 3 main breaks this past week, 2 in Fair Acres, I am looking at replacing that water main and whenever I get a price, I will be bringing that to you guys. IMEG will get me a price and update to EPA specs. I have tried to reach out to Iowa Solar, and I have not heard back from them in over a year.

21) Comments from the Alderpersons:

Alderman Bob Cervantes said the good thing about being retired is that I will be out and about in my ward listening and talking to the folks in the ward.

Alderwoman Chrissy Winters said I went to the Parks meeting last month and they had said that people have been asking about additional Pickle Ball courts and I reached out to Amy, and she is working on some grants. I had someone in my ward reach out and ask me about the bike path on 10th Street by Hynd Farms, and I talked to Amy, and she told me that would be next year.

Alderman Joshua Dyer said so he thought the last meeting was pretty silly, but was handled with a lot of lavenosity, I said at the time that it wouldn't fix anything, and it wouldn't move us forward and it hasn't. I reflected a bit on some other things, some of the comments made. I appreciate some of the comments made about some of my rhetoric. I will point out that I am not the one who was swearing or exhibiting unstable or uninhibited behavior. I did not engage in name calling for the sake of name calling but I did label a person's actions. I think that is fair and I hope folks understand that. I will continue to call a spade a spade, that is the way dad did it and that is the way America does it and it has worked out well so far. I do have to correct some things from the last meeting though, I said that the resolutions came out by email at about 1:15, I was assuming at that time that they were included in the agenda packet and that I hadn't read

down far enough, it turns out that I was mistaken. They went out in a separate email about 4:15. Just 2 hours and 15 minutes before the regular meeting. When the Council had a vote of no confidence in the mayor, the agenda items were clear, they were clearly on the agenda and there was no attempt to conceal anything from the public or elected official. He had more than 48 hours to prepare for that meeting and apparently enough time to hire an attorney that he supposedly hired at his own cost and had the attorney attend the meeting. We had just over 2 hours. I find these kinds of railroading tactics abhorrent and I kind think that those who voted for the Resolution should be ashamed of themselves. When it comes to the resolutions themselves, I have to ask where did they come from? The resolutions that were passed where did they come from; I will yield for an answer. No one has an answer. Alderman Pirmann said the answer is that we all want to move forward. Alderman Dyer again said he wants to know where they came from. Alderman Pirmann stated he thinks it was all pretty clear at the last meeting but obviously, it wasn't enough, and it will never be enough, is it? We just need to move on. Alderman Dyer said he needs to know where they came from. They were drafted by somebody, who wrote them? Alderman Pirmann said they came from the Council. Alderman Dyer asked Alderman Pirmann if he drafted it, is that what you are saying? Alderman Pirmann said he doesn't even know what you are asking me. Alderman Dyer laughed and said there were 2 resolutions that were passed at the last meeting, and I would like to know who wrote them. Where did the document originate, who drafted it? Alderman Pirmann said it came out of 2 investigations and attorneys. Alderman Dyer again asked who drafted the document, and who wrote it. Alderman Pirmann said the investigations, we made motions. Alderman Dyer said yes to approve the resolution, the resolution was drafted by someone. Alderman Pirmann asked if he was just going to keep going on and on about this aren't you? Alderman Dyer said I just want to know where they came from, like they didn't miraculously show up on the desk, who wrote them. Nobody knows? Alderman Pirmann asked if it mattered. Alderman Dyer asked if the mayor asked for them to be drafted. Mayor Carter said we are moving on if you are wasting our council's time, if there is a point to this please get to it. We need to move on. Alderman Dyer said well if he could get an answer to the question. Mayor Carter said apparently you are not going to get an answer tonight so please move on. Alderman Dyer said since no one is willing to admit where they came from. Alderman Pirmann asked if you had that would it matter, and Alderman Dyer said yes. Alderman Pirmann asked why. Alderman Dyer said Ancel Glink is not the only one who is capable of doing some forensic research into electronic files. Carissa Townsend is the one who drafted it, her name is all over it. She is an attorney with Ancel Glink, right? Attorney Heinle confirmed she is one of his colleagues. So, Ancel Glink apparently wrote it, and drafted it. Mayor Carter asked if you knew that, why did you ask? Alderman Dyer stated, I would like to verify that I was correct, but nobody wants to admit to it. Who gave the order for Ancel Glink to draft it?? Alderman Pirmann asked if we could just move on. Alderman Dyer said why can't you just let me continue with my comments. I yielded when it was your time, and it is my time now. Apparently, Carissa wrote it, it seems clear you can check the document yourself and see that Carissa Townsend, her name is the one that is listed as the author of it. That means that Ancel Glink drafted it, that means that Ancel Glink is charging the city for that work. Alderman Dyer said that Alderman Pirmann stated that these actions wouldn't cost the city a dime. You gave 3 things, 3 options, 3 options were given. One of them was to have that vote, the vote of no confidence or a censure vote in the 3 of us. That document was drafted by Ancel Glink and clearly the city is going to be charged for drafting those documents. Again, I

Committee of the Whole

01 August 2023

have to call a spade a spade, you said those actions were not going to cost the city anything, and they are. So, I guess that makes another liar. Alderman Pirmann told him Thank you! Alderman Dyer said that is all he has for tonight.

22) Adjournment

Mayor Matt Carter asked for a motion to adjourn from 01 August 2023 Committee of the Whole meeting of the Silvis City Council

Motion:

Alderman Rick Lohse made a motion to adjourn from the 01 August 2023 Silvis City Council Regular Meeting. Motion to second by Alderman Dave Rice.

Motion carried via voice vote:

The 01 August 2023 Committee of the Whole meeting of the Silvis City Council adjourned at 7:21 pm.

Submitted by,

A handwritten signature in cursive script, appearing to read "Amy Malmstrom".

Amy Malmstrom
City Clerk