

December 5, 2022  
Tipton Fire Station  
301 Lynn Street  
Tipton, Iowa

The City Council of the City of Tipton, Cedar County, Iowa, met in regular session at 5:30 p.m. Mayor Carney called the meeting to order. Upon roll being called the following named council members were present: Cummins, Hembry, McNeill, Paustian and Helm. Also present: Wagner, Armstrong, Lenz, Nash, Spangler, Fitch, B. Brennan, Ratliff, Beck, Smith, Coppess, Bixler, Johnson, Butler, Walsh, Doermann, Peck, other visitors, and the press.

**Agenda:**

Motion by Cummins, second by McNeill to approve the agenda as presented. Following the roll call vote the motion passed unanimously.

**Consent Agenda:**

Motion by Helm, second by McNeill to approve the consent agenda which includes the November 9<sup>th</sup> Council Meeting Minutes, November 21<sup>st</sup> Council Meeting Minutes, November 9<sup>th</sup> Airport Minutes, November/December Development Director's Report, Pay Application No. 3 for the North Avenue Reconstruction Project to All American Concrete in the amount of \$5,106.25, Downtown Revitalization Incentive Program (DRIP) reimbursement for Mike Goetz, DBA: Family Foods, in the amount of \$7,500.00, Tipton Revitalization Incentive Program (TRIP) reimbursement for the Tipton Golf and Country Club in the amount of \$6,850.00, and the following claims list. Following the roll call vote the motion passed unanimously.

AFLAC	AFLAC AFTER TAX PY W/HOLDING	593.31
ALBAUGH PHC INC	SEWER BACKUP REPAIR	225.00
AXA EQUI-VEST PROCESSING O	DEF. COMP PRETAX	175.00
BOUND TREE MEDICAL LLC	MEDICAL SUPPLIES	637.08
CAPITAL ONE	MISC SUPPLIES	186.64
CCL SUPPLY LLC	SHOP SUPPLIES	155.06
CEDAR CO PUBLIC HEALTH	TB TEST	38.23
CEDAR COUNTY GARAGE DOORS	GARAGE DOOR REPAIRS	1645.00
CINTAS	UNIFORMS	690.23
CITY OF TIPTON FUNDS	TRANSFERS	223602.82
CITY OF TIPTON-REVOLVING C	CENTRAL GARAGE REPAY	32661.68
CITY UTILITIES	CITY UTILITIES	14542.33
CLIFTON LARSON ALLEN LLP	GASB 87	1272.60
COLLECTION SERVICES CENTER	CHILD SUPPORT	96.73
ECIA	N AVE WATER IMPROVEMENTS	1007.45
FELD FIRE	OPERATING SUPPLIES	529.00
FLETCHER-REINHARDT CO.	UNDERGROUND SUPPLIES	2139.26
GARDEN & ASSOCIATES INC	PLUM STREET PAVING EXTENSION	5186.33
GLOBAL SECURITY SERVICES	CAMERA REPAIRS	93.14
HAWKINS INC	CHEMICALS	1382.16
I.R.S.	FEDERAL WITHHOLDING	20592.75
IOWA DEPARTMENT OF NATURAL	NPDES APP FEE	85.00
IOWA ONE CALL	LOCATES	98.10
IPAA	MEMBERSHIP RENEWAL	100.00
IPERS	IPERS WITHHOLDING, FIRE	13458.27
LINDE GAS & EQUIPMENT INC	OXYGEN	69.76

MIDAMERICAN ENERGY COMPANY	DECEMBER CASH REQUEST	57000.00
MISC. VENDOR	DEB BIXLER:4 WINTER SHIRTS	104.81
MITCHELL 1	WEB SUBSCRIPTION	271.26
OFFICE MACHINE CONSULTANTS	MANAGEMENT SERVICES	2985.00
ORIGIN DESIGN	CROOKED CREEK TRAIL	19595.00
PCC	BILLING	1225.52
POWER LINE SUPPLY	UNDERGROUND SUPPLIES	2207.13
PRINCIPAL	PRINCIPAL DENTAL POLICY	1850.70
QUADIENET FINANCE USA INC	POSTAGE	1014.51
SPINUTECH INC	EMAIL MARKETING	25.00
STUART C IRBY CO	OPERATING SUPPLIES	543.76
T & M CLOTHING CO.	38 JERSEYS/SHIRTS	734.00
TIPTON CONSERVATIVE	MIN,CROPLAND,ORD,FAC,EL	807.98
TREASURER, STATE OF IOWA	STATE WITHHOLDING	3212.00
VEENSTRA & KIMM INC	NW AREA UTILITY IMPROVEMENTS	3467.13
WINDSTREAM	MONTHLY SERVICES	902.99
** TOTAL **		417209.72
FUND TOTALS		
001 GENERAL GOVERNMENT		50524.69
110 ROAD USE TAX FUND		14984.46
112 TRUST AND AGENCY FUND		42923.75
119 Emergency Fund		2829.58
121 LOCAL OPTION TAX		25000.00
125 TIF SPECIAL REVENUE FUND		16185.25
192 FIRE ENTERPRISE TRUST		7178.08
317 HWY 38 PROJCT		18386.00
600 WATER OPERATING		11195.30
610 WASTEWATER/AKA SEWER REV		49137.49
630 ELECTRIC OPERATING		121913.59
640 GAS OPERATING		12202.46
660 AIRPORT OPERATING		878.80
670 GARBAGE COLLECTION		10210.16
740 STORM WATER		974.95
810 CENTRAL GARAGE		3219.29
835 ADMINISTRATIVE SERVICES		5054.64
860 PAYROLL ACCOUNT		24411.23
GRAND TOTAL		417209.72

Payroll Amount for November 2022

\$176,612.88

## **City Business:**

### 1. Performance review of City Manager

Manager Wagner gave a statement and explained his reasoning for having an open session for his evaluation. Numerous city employees and citizens in the audience gave support statements on why Brian should not be terminated.

### 2. Review of City Manager's contract and possible action item to provide 30 days written notice of intent to terminate the City Manager's Employment Agreement without cause and provide six months' severance pay and benefits pursuant to the Employment Agreement

Motion by McNeill, second by Hembry to provide 30 days written notice of intent to terminate the City Manager's Employment Agreement without cause and provide six months' severance pay and benefits pursuant to the Employment Agreement. The motion passed with the following vote:

Aye: Hembry, Paustian, McNeill

Nay: Cummins, Helm

### 3. Resolution No. 120522B: Resolution terminating the employment of the City Manager

Motion by McNeill, second by Paustian to approve Resolution No. 120522B, the resolution terminating the employment of the City Manager. The motion passed with the following vote:

Aye: Hembry, Paustian, McNeill

Nay: Cummins, Helm

Motion vetoed by Mayor Carney and placed into the official record along with the resolution.

### 4. Authorize review of interim City Manager options and provide to Council at a future meeting.

Motion by Paustian, second by McNeill to authorize review of interim City Manager options and provide to Council at a future meeting. A question was asked on who was going to be directed to do this, but the council did not make a determination. The motion passed with the following roll call vote:

Aye: Paustian, McNeill, Hembry

Nay: Helm, Cummins

### 5. Resolution No. 120522C: Resolution to approve construction of sanitary sewer main and related infrastructure on city property by or on behalf of the Cedar County Coop

Motion by Helm, second by McNeill to approve Resolution No. 120522C, the resolution to approve construction of sanitary sewer main and related infrastructure on city property by or on behalf of the Cedar County Coop, in addition to this motion, as amendments to Resolution No. 120522C, is that the plans and specifications will be reviewed by the City Water Superintendent, and that the line will not be installed until the City Water Superintendent has signed off on the proposed plans, and that upon satisfactory installation and testing under the direction of the City Water Superintendent the line will be dedicated to the City, and that the Coop shall purchase and provide the City a four-year maintenance bond, to commence on or after testing of the infrastructure and approval of installation by the City Water Superintendent. The motion passed with the following vote:

Aye: Paustian, McNeill, Hembry, Helm

Nay: Cummins

### 6. Resolution No. 120522D: Resolution scheduling public hearing on proposed sale of city owned real estate (524 Cedar Street, Tipton, Iowa)

Motion by Cummins, second by Helm to approve Resolution No. 120522D, the resolution scheduling a public hearing on Monday, December 19<sup>th</sup>, at 5:30 p.m., at the Tipton Fire Station on proposed sale of city owned real estate (524 Cedar Street, Tipton, Iowa). Following the roll call vote the motion passed unanimously.

### 7. Resolution No. 120522A: Resolution authorizing internal advance for funding Urban Renewal Projects

Motion by Cummins, second by Helm to approve Resolution No. 120522A, the resolution authorizing internal advance for funding Urban Renewal Projects. Following the roll call vote the motion passed unanimously.

8. Closed Session to discuss strategy with legal counsel in matters that are presently in litigation or where litigation is imminent where it's disclosure would be likely prejudice or disadvantage the position of the government body in litigation pursuant to Iowa Code section 21.5(1)(c). Motion by Cummins, second by Helm to adjourn from regular session to closed session at 7:00 p.m. Following the roll call vote the motion passed unanimously.

**Roll call to return to regular session:**

The council reconvened to regular session from closed session at 7:56 p.m. with the following named Council member's present: Paustian, Helm, Hembry, McNeill and Cummins. Motion by Cummins, second by Helm to reconvene to regular session from closed session. Following the roll call vote the motion passed unanimously.

9. Potential action to direct staff to proceed as discussed and directed during the Closed Session  
Motion by Cummins, second by Helm to direct legal counsel to proceed as discussed and directed in the Closed Session. Following the roll call vote the motion passed unanimously.

**Adjourn:**

With no further business to come before the council a motion to adjourn was made by Helm, second by Cummins. Following the roll call vote the motion passed unanimously.  
Meeting adjourned at 7:57 p.m.

Mayor \_\_\_\_\_

Attest: \_\_\_\_\_  
City Clerk

**REVENUE RECEIVED**

**November, 2022**

Property Taxes	41,391.90
Local Option Sales Tax	36,895.30
Licenses & Permits	2,050.00
Use of Money and Property	32,661.68
Intergovernmental	189,883.05
Charge for Services	652,623.49
Special Assessment	0.00
Miscellaneous	79,095.39
Sale of Fixed Assets	0.00
<b>TOTAL</b>	<b>\$1,034,600.81</b>