

The Anita City Council met in special session on July 17, 2020 with Mayor Harris presiding to hold a special city council meeting. In order to help stop the spread of the COVID-19 virus, a special meeting of the Anita City Council was held at the Anita Community Center as well as electronically utilizing the platform Zoom. Chapter 21.8 of the Iowa Code does permit an electronic meeting where all members participate remotely when an in-person meeting is impossible or impractical, which is certainly true during this crisis. On March 19, 2020, Governor Reynolds issued a proclamation of Disaster Emergency which included a suspension of Iowa laws that would prevent the use of electronic meetings or the limitation on the number of people present at an in-person meeting site. The agenda was posted 24 hours in advance at Rolling Hills Bank, First National Bank, City Hall, Anita Post Office, the Anita Channel and Main Street Market to give instructions on how others could participate in the meeting.

Council Members present were: Ben Daughenbaugh, Mark Harris, Kevin Littleton and Tim Wheelock. Absent was John Knutson.

Also present were Chuck Kinzie, Justin Hockenberry, Lindy Prignitz, Meghan Dorsey, Dana Larsen, Lori Glissmann, April Hansen, Deanna Andrews, Nick Hodges, Mona Calhoun, Shelli Hogueison, Chris Karns, Art Hoskins, Joann Poepppe, Doc Jessen, Ted Jessen, Jerry Wessels, Marcia Hockenberry, Linda Firebaugh, Kendra Sorum, Roger Huffmann, Janet Mardesen, Marty Mardesen, Nate Grieshaber, Patty Grieshaber, Jean Jessen, Wylie Wahlert, Dave Hockenberry, Laurie Hockenberry, Connie Russell, Leon Vogl and online attendees were Gabby Wahlert, Tracey Knutson, Judi Ruple, Tami Williamson, Bill Dennis, Cathy Dennis, Sara Herzberg, Norma Schaaf, Melinda Brahms, Dyanne Cassell, Kim Kopp, Eric Miller, Haley Wollum, Jody Rudolph, Sherri, Jody Meyer, Shana Platt, Nick Kopp, Terry, Sarah, Kaycee Anstey, Janet and Bob Matthies. Several other members of the public may have been present but declined to sign their name on a registration of attendees.

Mayor Harris opened the special meeting at 5:39 pm.

Motion by Littleton; second by M Harris to approve the agenda as posted. Ayes: All. Motion Carried.

Motion by Littleton; Second by Daughenbaugh to accept the resignation of Jim Mailander, Mailander Law Firm as the City of Anita's attorney. Ayes: All. Motion carried. The Anita City Council would like to thank him for his many years of representation.

Motion by Knutson; second by Daughenbaugh to approve Resolution # 20-29 "APPOINTING JUSTIN HOCKENBERRY AS THE ATTORNEY FOR THE CITY OF ANITA." Ayes: Littleton, Daughenbaugh, M Harris, Wheelock. Nays: None. Absent: Knutson. Motion Carried.

The new city attorney spoke to the public. He shared how he is also the city attorney for Massena and Fontanelle, occasionally helping out other cities. There are potentials for conflicts of interest, which often happens in a small town. If this occurs, he will direct us to someone that can assist. He shared that he represents the City of Anita, not the mayor or any one council member individually.

The City Attorney stated that the Mayor and City Council cannot dissolve AMU. Dissolution can only occur if approved by a vote of the public. The Mayor can nominate and remove members to and from the AMU Board of Trustees. The Mayor's actions are subject to a confirmation/veto of the City Council and the City Council is also responsible for setting compensation for AMU Board members.

Mayor Harris spoke to the public. He stated his concern that there had been an overpayment of money. He stated that the board of trustees has control over all AMU functions. The mayor stated that by Iowa Code, a mayoral appointee may be removed, with a letter in writing, and then the recipient has 30 days to request a public hearing before the council. Mayor Harris stated he wishes to work through issues with AMU. He wishes that if the public has any concerns, that they come

to a meeting to discuss before believing what you can read on social media. The Mayor and Council have to abide by state law.

Mayor Harris stated that a complete financial statement from AMU is required under Iowa State Code. The Mayor stated that he feels the disclosures from AMU have not satisfied the legal requirements. AMU's secretary stated that they had a complete audit done, and a copy was delivered to city hall. Mayor Harris stated that he doesn't believe that the audit contains all of the information to that is required under State Code.

Members of the public questioned the timing of the Mayor's concerns. Mayor Harris stated that after he was elected mayor he started reviewing more in depth. He just would like everything corrected. Members of the public asked that the Mayor cite specific violations that raised his concern. Mayor Harris stated his primary concern was the procedures used to vote in a pay raise for AMU Board of Trustee members that occurred in 2014.

Members of the public questioned the City Attorney regarding the Mayor's concern. The City attorney stated the Council has the true power and advised that before taking any extraordinary measures, the city and AMU board should attempt to mediate any concerns one has with the other.

Discussion between members of the public and City officials was held on a variety of topics. The tone and content of communications at meetings, on Facebook, and in emails were discussed.

Discussion was held regarding the March 2020 City Council Meeting and the City of Anita's Annual Audit/Exam Report.

More public discussion occurred. Members of the public questioned whether the Council would consider ratifying any previous pay raise to Board Trustees that may have fallen short on procedure. Because such a resolution was not on the Agenda, it could not be acted on at this Meeting and would be put on the Agenda for the next regular meeting.

Additional public discussion occurred regarding the Mayor's right to remove members of public boards other than AMU. City attorney advised that the same legal framework applied to all public boards. The Mayor can remove any board member but the removal must be in writing and the removal is subject to a public hearing before the City Council within 30 days.

Mayor Harris stated that he called this meeting to explain his concerns to the Council and members of the public and have the public come and state their concerns. The Mayor stated that he will not seek to remove AMU board members in light of this discussion.

The next Regular City Council meeting is August 12, 2020 at 7:30 p.m.

Motion by M Harris; second by Wheelock to adjourn. Ayes: All. Motion Carried, meeting adjourned.

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Thomas Harris, Mayor

ATTEST:

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Kaitlin Hodges, City Clerk