

Madrid City Council
Regular Meeting
January 18, 2010

The Council meeting was called to order at 5:30 p.m. with Mayor Jeff Gibbons presiding.

Present at Roll Call: Steve Burich, Lane Shaver, Val Chapman, Mike Heeren, Don Lincoln

Other City Officials present: City Administrator/Clerk Todd Kilzer, Deputy City Clerk Donna Havlik, Police Chief Rick Tasler, Fire Chief Jim Murry and City Attorney John Jordan

Motion by Councilperson Shaver, seconded by Councilperson Chapman, to approve the agenda.
Ayes: All Present Motion Carried

Motion by Councilperson Shaver, seconded by Councilperson Burich, to approve the City Council meeting minutes of January 4, 2010, City Council Budget Workshop meeting minutes of January 9, 2010, Library Board meeting minutes of December 14, 2009, Planning and Zoning meeting minutes of December 10, 2009. Councilperson Chapman referred to the minutes of the Planning and Zoning Commission and questioned if a solution had been reached regarding the poles that were positioned in the Edgewood Park Expansion's drainage ditch area. Kilzer advised the Council that Alliant Energy had been contacted and that they agreed to work with the City on this matter in the spring of 2010.
Ayes: All Present Motion Carried

Motion by Councilperson Shaver, seconded by Councilperson Chapman, to approve the December 2009 Financial Reports and the January 18, 2010 claims totaling \$42,157.21.
Ayes: All Present Motion Carried

Mayor Gibbons requested that citizens wishing to speak state their name and address before addressing the Council and set a time limit of 2 minutes per speaker. A "YouTube" video of Police Chief Rick Tasler and an MMA fighter named Joe Brammer was made to promote a MMA fight that Tasler would be competing in on January 16, 2010. The video consisted of three sections and showed Chief Tasler being interviewed in the Police Department office; Tasler and Brammer out on patrol; and Brammer shooting weapons in the presence of Tasler in front of a Madrid patrol vehicle.

Ed Jeffress, 501 S. Main, approached the Council regarding his concerns regarding the Police Department. Jeffress commented that he believed the Mayor and Council did not possess the qualifications to manage a Police Chief or the Police Department. Jeffress believed the Council should relinquish the responsibility and use only the Boone County Sheriff's department. Jeffress also voiced his concerns regarding broken up railroad ties along the trail and the Coal Miner's parking lot. Jeffress demanded that a trail head be placed at 3rd and Main Street. Jeffress also declared that certain members of the City Council need to resign.

The following citizens or Madrid area residents spoke in support of Chief Tasler. Each felt the department had improved under Tasler's administration, and felt that while Tasler may have made an error in judgment regarding the video, he did not deserve severe discipline. Several also expressed dissatisfaction with KCCI for the manner in which they covered the story: Dustin Dalton, Chuck Rigby, Jim Harney, Ryan Thornburg, Lou Galetich, Dan Olson, Dallas Hoffman, Heidi Raymond, Kate Eagleton, and Todd Walter

Tom Hadaway, 2131 T Avenue, commented that he did not know Tasler personally but he did have a concern with a police officer being an ultimate fighter. Hadaway felt they would not be able to control their anger nor change their attitudes back and forth.

Alice Sharp, 606 S. Green Street, advised the Council that she personally had a problem with Tasler being a role model for her son and questioned Tasler's ethics and morals. Sharp felt that Tasler made some very poor choices and was not taking this situation seriously. Sharp also felt that "something" needed to happen regarding this situation.

Christine Moran, 622 Washington, was concerned that Tasler did not separate his professional life from his personal life. Moran felt that Tasler should be mature enough to separate them. Moran questioned Tasler's judgment to use the City squad car, uniform, and guns for a video. Moran also added that Tasler represented Madrid in a poor spotlight.

Jake Clayton of Slater, Iowa, referenced a situation where a gentleman headed north on Highway 17 who was believed to be under the influence of alcohol. The individual was discovered to be a diabetic and Clayton felt that Tasler and Millsap handled the situation on a professional level. Clayton stated that Madrid's department has great officers.

Kate Eagleton, 436 Fairview Drive, reported to the Council that she had placed a call for assistance and was impressed with the department's response time and friendliness. Eagleton requested that the Council give Tasler a second chance.

Denny Moore, Assistant Manager of Hitchcliff Motors and former firearms instructor, commented that he lived almost 20 years near the area in which Chief Tasler and the other gentleman were firing weapons. There is a gravel berm all the way around the area and it would be a safe area for target practice. Moore added that his dealings with the local Police Department have been exemplary.

Fire Chief Jim Murry advised the Council of the Fire Department's year end report. The report listed 78 fire calls, 192 rescue calls, received mutual aid 4 times and the department assisted with mutual aid 14 times. Murry indicated that the total fire monetary loss was at a minimum in 2009 due to fire calls being mostly grass or trash fires. Murry added there was very little property loss.

Librarian Angie Strong reported to the Council that elementary school students, first through third grade, performed the Hansel and Gretel puppet show on January 17, 2010. Another puppet show is planned for April 2010. Strong is also planning a craft day on February 4, 2010 and a Friday night movie. Strong attended the Boone County Supervisors meeting January 5, 2010. The Boone County Librarians requested a combined total of \$80,730.00 which was the same allotment for county appropriation as the previous year. Strong is hoping that the Madrid library does not receive a decrease in their allotment.

Police Chief Rick Tasler reported to the Council that the department was running smooth. Tasler also addressed the Council regarding the citizen's comments that pertained to him. Tasler stated that the comments were fair but added that he did make a mistake in participating in a YouTube video that was filmed to promote his final "MMA" match. Tasler commented that the Police Department has worked hard to promote a positive image and regretted bringing any unfavorable publicity to the community. Tasler indicated that he believed that he could learn from this experience and felt he should be disciplined. Tasler also questioned how people outside of Madrid, who he does not know or has not dealt with, can judge him. He felt it was unfair of them to dissect his entire life; his family; and the Madrid Police Department based on an 8 second news snippet created by KCCI TV. Tasler stated that in his opinion, KCCI has no regard for Madrid and was simply trying to create a news story from this incident.

Motion by Councilperson Lincoln, seconded by Councilperson Burich, to approve the request for payment to Hach Company in the amount of \$1,044.00 per a test equipment maintenance contract for water treatment.
Ayes: All Present Motion Carried

Kilzer advised the Council that the 410G John Deere tractor's hydraulic leaks have been repaired and the tractor was returned to the City on January 15, 2010. Kilzer added that it seems to be working well.

Motion by Councilperson Chapman, seconded by Councilperson Shaver, to approve payment in the amount of \$2,797.09 to Boone County Auditor for 2009 election expenses.
Ayes: All Present Motion Carried

Motion by Councilperson Shaver, seconded by Councilperson Chapman, to approve payment to Tyler Technologies in the amount of \$762.50. Kilzer advised the Council that this is an annual fee to have an accounting system specialist assist with the entering of the internal system adjustments as required by the auditor.
Ayes: All Present Motion Carried

City Attorney Jordan advised the Council that the City has its arbitration with the International Union of Operating Engineers on Monday January 25, 2010 at 10:00 a.m. John Baker will be the arbitrator. Jordan also advised the Council that the District Court Judge denied Melton/Starry's request for a continuance. The trial is scheduled as planned for mid-February 2010.

Motion by Councilperson Heeren, seconded by Councilperson Shaver, to approve payment in the amount of \$4,534.40 to Bartlett & West for the design expense of the Madrid Waste Water Treatment Facility.
Ayes: All Present Motion Carried

Motion by Councilperson Chapman, seconded by Councilperson Burich, to approve payment in the amount of \$14,058.01 to Bartlett & West regarding the storm drainage/sewer rehab project. Kilzer advised the Council this service pertains to the project that the City received a Community Development Block Grant of approximately two million dollars. Kilzer commented that Simmering and Cory are the grant administrators of the project and will facilitate reimbursements for the City.
Ayes: All Present Motion Carried

Motion by Councilperson Chapman, seconded by Councilperson Shaver, to set a public hearing date of February 1, 2010 for Ordinance #446, "An Ordinance Amending 136.04 of the 1999 Code of Ordinances of the City of Madrid, Iowa." Attorney Jordan advised the Council that this amendment to the ordinance was created to establish shared liability for injuries caused by defects or lack of maintenance of sidewalks to the abutting property owner. Jordan explained that under the Iowa statute and Supreme Court interpretations of that statute, the city in the past would be the sole responsible party for any injuries. This ordinance, once approved, could place some of the responsibility on the property owner for defects or maintenance issues. Council was requested to review the ordinance by the February 1, 2010 meeting. The public hearing will be held at 5:30 a.m. in the Council Chambers.
Ayes: All Present Motion Carried

Motion by Councilperson Chapman, seconded by Councilperson Shaver, to approve the corrected renewal dance permit request from Who's Lounge. It was noted that the expiration date on the application should be corrected to December 31, 2010.
Ayes: All Present Motion Carried

Motion by Councilperson Shaver, seconded by Councilperson Burich, to approve the following renewal requests for Liquor, Wine or Beer Licenses with outdoors sales by consent agenda: Madrid Veterans of Foreign Wars, The Market of Madrid, and Who's Lounge.
Ayes: All Present Motion Carried

Kilzer advised the Council that the city has received a notice of a cost reduction refund of \$7,591.00 from Iowa Association Of Municipal Utilities. The payment is based on workman compensation incident rate as well as the number of Iowa Association of Municipal Utility workshops that City employees attend.

Chuck Rigby, 106 Main Street, reported to the Council that he had witnessed an incident where Police Chief Tasler had to pull someone over and that Tasler was very professional. Rigby added that he believed that Tasler did everything correctly during that particular traffic stop.

Kate Eagleton, 436 Fairview Drive, approached the Council requesting consideration of creating an ordinance to allow parking on only one side of Fairview Drive. Eagleton added that the narrow street is congested with parked vehicles and it is making snow removal difficult. Council agreed to review the request.

Nick Millsap, 483 Fairview Drive, advised the Council that he believed this to be a great community with a lot of great things happening. Millsap stated that he is proud to be part of the Madrid Police Department. Millsap thanked the public for coming to the Council meeting to express their opinions.

City Attorney Jordan advised Police Chief Rick Tasler that he could request a closed session in accordance with The Iowa Code under 21.5 (1) (i) for employee evaluation and that the Council may or may not honor the request. Tasler requested a closed session as allowed by the Iowa Code. Attorney Jordan requested a roll call taken of all those in favor of honoring Tasler's request for a closed session.
Ayes: Burich, Shaver, Chapman, Heeren, Lincoln
Nays: None

The regular Council meeting was postponed to go into a Executive Session at 6:19 p.m. as permitted under the Iowa Code 21.5 (1) (i) for evaluation of Police Chief Tasler.

The regular Council meeting reconvened at 7:59 p.m.
Roll Call: Burich, Shaver, Chapman, Heeren, Lincoln

Mayor Gibbons advised the audience that the Council agreed that the video involving Police Chief Tasler displayed a lack of professional judgment and the Council had some concern with regards to the use of City equipment in the video. Mayor Gibbons recommended a 5 day suspension without pay; attend and pay for 16 hours of professional development courses approved by Iowa Law Enforcement Academy - all to be completed within a 6 month time frame; a letter of reprimand placed in Tasler's employee file and Tasler will be placed on probation for a period of 6 months with a re-evaluation of his performance by the City Council at that time. Mayor Gibbons also commented that the Council will be reviewing the Police Department's ride along policy for possible amendments. Mayor Gibbons requested a motion for the disciplinary measures stipulated. Motion by Councilperson Chapman, seconded by Councilperson Heeren to approve Mayor Gibbon's recommendation.

Ayes: All Present

Motion Carried

Councilperson Lincoln expressed his appreciation for everyone attending the meeting. Lincoln also extended an open invitation to anyone who would be interested in getting involved with the community to fill a vacancy on one of the Boards or Commissions.

Councilperson Shaver commented that he believed the City has a good Chief of Police and felt that the Council acted accordingly. Shaver added that the department will continue to offer exceptional protection for Madrid.

Mayor Gibbons extended his appreciation to the public for waiting for the Council's decision regarding Chief Tasler. Mayor Gibbons commented that he believed Tasler was well suited for our community.

Attorney Jordan advised the Council that there was to be a discussion regarding the International Union of Operating Engineer's last proposal. Jordan informed the Council that he had shared the information with the negotiating members and found the proposal not to be any different than prior proposals that had been rejected. Unless the Council wanted to approve the proposal or if the Council wanted a detailed discussion regarding the proposal, Jordan advised the Council that it was not necessary to go into a closed session. The Council chose not to go into a closed session. Jordan was authorized by Council to reject the proposal. Jordan suggested that arbitration may be scheduled in two-three weeks.

Motion by Councilperson Chapman to adjourn the meeting at 8:03 p.m.; seconded by Councilperson Shaver.

Ayes: All Present

Motion Carried

Mayor Jeff Gibbons

ATTEST:

Todd D. Kilzer
City Administrator / Clerk