

**AGENDA**  
**Dallas Center City Council**  
**July 29, 2020 –7:30 a.m.**

On July 24, 2020, Iowa Governor Kim Reynolds issued an updated Proclamation of Disaster Emergency, which among other matters, encouraged all vulnerable Iowans to limit their activities outside of their home including their participation in gatherings of any size and any purpose. The Governor's Proclamation allows a community gathering (such as a public meeting) of more than ten persons so long as social distancing of at least six feet is maintained and increased hygiene practices are undertaken. The Governor further continued the suspension of state laws requiring a public meeting or hearing to the extent the laws could be interpreted to prevent a governmental body from limiting the number of people present for an in-person location of the meeting, providing the governmental body provides a means for the public to participate by telephone or electronically. Compliance with the social distancing requirements for a public meeting would unduly limit the public's participation at a City Council meeting. As permitted by Iowa Code Section 21.8 the City Council meeting will be conducted by electronic means. The public is encouraged to access the meeting electronically in the manner specified below.

The meeting will be conducted by Zoom at the following Internet link or telephone numbers:  
<https://us02web.zoom.us/j/88247683720>

If a Zoom user has the Zoom app, just enter the meeting ID 882 4768 3720

Or a member of the public may connect to the meeting by telephone using any of the following numbers (the Meeting ID is 88247683720#): Dial by your location

+1 646 558 8656      +1 301 715 8592      +1 312 626 6799      +1 669 900 9128

Depending on the caller's long-distance calling plan, long distance charges may apply.

The meeting will originate in the City Hall at 1502 Walnut Street (which will not be open to the public) at 7:30 a.m. The Zoom connection will be available starting at approximately 7:20 a.m.

1. Roll call
2. Action to approve agenda
3. Iowa Public Information Board Complaint filed by Julie Becker and Co-Complainant Robert Haxton
  - a. Receipt of Complaint against City Clerk Cindy Riesselman; Library Director Shelly Cory; Library Trustees Bob Findlay, Heather Willrich, Sue Beavers, Katie Johnson, and Greg Cagle; the City of Dallas Center; and the Roy R. Estle Memorial Library
  - b. Action to authorize City Attorney Ralph Brown to represent all parties before the Iowa Public Information Board from the time of the City's receipt of the Complaint to the conclusion of the proceedings at his usual and customary rate of \$250 an hour for legal services (in addition to the monthly retainer paid the City Attorney)
4. Adjournment

Cindy Riesselman, City Clerk



Toresdahl, Brett &lt;brett.toresdahl@iowa.gov&gt;

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**Form submission from: File a Complaint**

1 message

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**Iowa Public Information Board via Iowa Public Information Board** <ipib@iowa.gov>

Sat, Jul 25, 2020 at 6:42 PM

Reply-To: Iowa Public Information Board &lt;ipib@iowa.gov&gt;

To: brett.toresdahl@iowa.gov

Submitted on Saturday, July 25, 2020 - 6:42pm  
Submitted by anonymous user: 173.17.229.129  
Submitted values are:

Time of alleged violation: 7:00 pm

Date of alleged violation: Wed, 05/27/2020

Place of alleged violation: (Virtual) Library Board of Trustees Meeting May 27, 2020

Names of government employees/officials involved:

Dallas Center City Clerk: Cindy Riesselman

Dallas Center City Library (Roy R. Estle Memorial Library)/Library Board of Trustees:

Bob Findlay, Heather Willrich, Sue Beavers, Katie Johnson, Greg Cagle

Library Director: Shelly Cory

Name of government entity involved: City of Dallas Center &amp; Dallas Center City Library "Roy R. Estle Memorial Library"

Alleged violation of: Open meetings law

Other persons having information and their contact information: Robert Haxton (co-complainant), Dallas Center/515-992-3225

Description of alleged violation:

Two related complaints regarding the Dallas Center Library Board of Trustees Meeting of May 27, 2020:

1. The Dallas Center City Clerk was in violation of the Iowa Open Meetings Law, Iowa Code 21.4, by her failure to provide vital information and materials 24 hours in advance of a public city library board meeting. This has been an ongoing problem, which the City Clerk refuses to remedy. The City Clerk has informed me, on more than one occasion, that she does NOT have to provide the public with materials to be discussed at the Library Board of Trustees meetings 24-hours in advance and that she only has to provide me an agenda (and a very vague agenda at that) for the City Library Board of Trustees meetings.

Specifically, on May 26, 2020, I requested materials to be discussed at the May 27, 2020, Library meeting, as no materials had been provided to the public. (As I regularly attend the library meetings, I had also previously requested that the materials to be discussed at the Library Board of Trustees meeting be posted or at least provided to me with the posting of the Library agenda for the meetings.) In spite of my efforts to secure the materials in advance, I was denied this information by the City Clerk until the following afternoon, just a few hours before the meeting was to convene on May 27, 2020. At this Library Board of Trustees meeting, a major construction "\$118,646 contract amendment" related to the building of the "city library addition" was to be discussed; a discussion that would occur with no prior provision for the public to inspect the contract material. Not only was the contract material discussed, an "action to approve" the contract was taken at the same Library meeting; an "action" not indicated on the agenda for the meeting. The provided library meeting agenda did not indicate an "action" would be taken by the Library Board approving the more than "\$118,646 library contract amendment". The public had no "agenda indication" of this action that was taken, and no "contract amendment material" was provided to the public (except by my request) until just a

few hours before the vote for "approval of the \$118,646 contract amendment" was taken at the Library Board meeting.

2. The Dallas Center Library Board of Trustees was in violation of Iowa Open Meetings Law, Iowa Code 21.4, by its failure to adequately inform the public with the "Library Board of Trustees Meeting Agenda for May 27, 2020", of actions taken by the Library Board in voting to approve amending a contract by more than \$118,646, an amendment related to the construction of the multimillion dollar Library addition. The Library Board meeting agendas, published for the public, are so vague; they do not truly inform of the Library Boards actions. The last 12 months of library agendas fail to meet the most basic requirements of informing the public of the library actions and items of discussion, including the Library Board of Trustees Agenda for the May 27, 2020 meeting.

Specifically, at the May 27, 2020 Library Board of Trustees meeting, a major "\$118,646 library contract amendment" was approved (without any public notice) and sent to City Council for approval on June 9, 2020 (where it was approved). Council approval of this "\$118,646 library contract amendment" occurred before the "library minutes" of the May 27, 2020 Library Board meeting were publicly posted. This made the approval of the "library contract amendment" practically a "secret deal", except for my asking for the materials and being supplied the materials only hours before the library meeting. Note: The agenda for the Council meeting comes out ONLY 24-hrs in advance of that meeting... leaving the public only a 24-hr window of advance notice regarding a major \$118,646 library contract amendment approval, given the minutes of the library meeting had not been published. The public deserves more notification of official actions utilizing their tax dollars or city funds.

It should be pointed out that the "\$118,646 library contract amendment approval" on May 27, 2020, was mostly for "design work" to be done by the architect on the library project addition, Dan Willrich. Dan Willrich sits on the Dallas Center Planning & Zoning Board and was the former Mayor of Dallas Center; Dan's wife, Heather Willrich, sits on the Dallas Center Library Board, she is the Library Board of Trustees secretary and controls the library agenda and minutes. While Heather abstained from voting on the "\$118,646 library contract amendment" approval, she did control the flow of information about the library meeting and vote. Her husband, the aforementioned Dan Willrich, works for PELDS, the company given the library "design" work for the project by Estes Construction. Estes Construction was also given the "library addition" work, without competitively bidding for it, with former Mayor and the current Planning & Zoning Board member, Dan Willrich's, recommendation at the Council meeting where Estes Construction was awarded their contract approval. Dan Willrich was named as the architect on the library addition project by PELDS and he is receiving compensation for his work on this City project; a City project in the city where both he and his wife sit on City Boards. This whole situation smacks of inappropriateness, and the Iowa Open Meetings laws are being violated, in my opinion, to facilitate this unethical behavior.

(City agendas, email correspondence, amended contract and audio recordings are available to support complaints.)

The COVID-19 times have made this complaint more difficult for me to file. I would have preferred to come to the IPIB office and discuss this issue in person. I will say I feel at a disadvantage in sharing the facts of this complaint, although I am confident that open meeting laws have been violated. Thank you in advance for your help in this matter.

What would you like the board to do?

1. I would like the Board to instruct the City Clerk to post for the public, informative and appropriate agendas for City Board meetings, at least 24 hours in advance of City Board meetings AND provide for the public the materials to be discussed at these meetings at least 24 hours in advance of

the meetings. (She often fails to provide materials 24 hours in advance even when requested; the meeting of May 27, 2020 is one isolated case.) In addition, the City Clerk makes little effort to give the public more than 24 hour advance notice of city meetings, which I do realize is the legal requirement. I would request that the Board would remind the City Clerk that although 24 hours is the legal minimum, posting with more notice is preferable for transparency and gives the public greater opportunity to inspect meeting materials.

2. I would like the Board to instruct the Library Board of Trustees to provide more detailed agendas, including all "policy-making actions" and "actions related to the spending of public funds" (including amounts and funding source) on which the Library Board will take a vote.

3. I would like the Board to void the "\$118,646 library contract amendment" action approved by the Library Board of Trustees and the City Council for lack of due process with public oversight (Open Meetings Law Violation, Iowa Code 21.4) and transparency.

Name: Julie Becker  
Home address:  
City: Dallas Center  
State: IA  
Zip: 50063  
Cell phone:  
Home phone:  
Work phone:  
Email Address: !

The results of this submission may be viewed at:  
<https://ipib.iowa.gov/node/34/submission/1090>

## 21.4 Public notice.

1. a. Except as provided in subsection 3, a governmental body shall give notice of the time, date, and place of each meeting including a reconvened meeting of the governmental body, and the tentative agenda of the meeting, in a manner reasonably calculated to apprise the public of that information. Reasonable notice shall include advising the news media who have filed a request for notice with the governmental body and posting the notice on a bulletin board or other prominent place which is easily accessible to the public and clearly designated for that purpose at the principal office of the body holding the meeting, or if no such office exists, at the building in which the meeting is to be held.

b. Each meeting shall be held at a place reasonably accessible to the public and at a time reasonably convenient to the public, unless for good cause such a place or time is impossible or impracticable. Special access to the meeting may be granted to persons with disabilities.

2. a. Except as otherwise provided in paragraph "c", notice conforming with all of the requirements of subsection 1 shall be given at least twenty-four hours prior to the commencement of any meeting of a governmental body unless for good cause such notice is impossible or impractical, in which case as much notice as is reasonably possible shall be given.

b. When it is necessary to hold a meeting on less than twenty-four hours' notice, or at a place that is not reasonably accessible to the public, or at a time that is not reasonably convenient to the public, the nature of the good cause justifying that departure from the normal requirements shall be stated in the minutes.

c. If a governmental body is prevented from convening an otherwise properly noticed meeting under the requirements of subsection 1, the governmental body may convene the meeting if the governmental body posts an amended notice of the meeting conforming with all of the requirements of subsection 1.

3. Subsection 1 does not apply to any of the following:

a. A meeting reconvened within four hours of the start of its recess, where an announcement of the time, date, and place of the reconvened meeting is made at the original meeting in open session and recorded in the minutes of the meeting and there is no change in the agenda.

b. A meeting held by a formally constituted subunit of a parent governmental body during a lawful meeting of the parent governmental body or during a recess in that meeting of up to four hours, or a meeting of that subunit immediately following the meeting of the parent governmental body, if the meeting of that subunit is publicly announced in open session at the parent meeting and the subject of the meeting reasonably coincides with the subjects discussed or acted upon by the parent governmental body.

4. If another section of the Code requires a manner of giving specific notice of a meeting, hearing, or an intent to take action by a governmental body, compliance with that section. shall constitute compliance with the notice requirements of this section.