

08/08/2022

The regular meeting of the Stuart City Council was called to order on the above date at 6:30 pm by Mayor Cook. Present were Council Members Kalbach (over the phone), Kirkpatrick, Morgan, Doely, and Renslow. Also present were City Administrator Ashour, Billing Clerk Stouffer, Forrest Aldrich, Warren Varley, Josh Renslow, Crystal Kirkpatrick, Chip Schultz, Matt Funk, Jim Henderson, Sean and Katelyn Bovinett, Kory Guisinger, Meaghan Pike, and Andy Forcht.

Moved by Renslow, seconded by Morgan to approve the Agenda, moving items No. 16 and No. 17 to be discussed first, and table item No. 4. Mayor Cook asked Councilmember Kalbach for clarification of item No. 4. Councilmember Kalbach stated that his intention was to conduct a performance review of City Administrator Ashour. The Mayor, Administrator Ashour, and the rest of the City Council members were unaware that a review would be performed at the meeting because the language of item No. 4, added to the Agenda by Councilmember Kalbach, was unclear. Administrator Ashour asked Councilmember Kalbach what protocol he is using for an employee evaluation in a public meeting, and whether he knows the status of the City Administrator's employment and why he is singling him out. The City Administrator is a joint employee of the City and the Utility. Administrator Ashour updated the Council on the allegations currently under investigation in the Rescue Unit, and stated that Councilmember Kalbach is retaliating against him personally in relation to those allegations.

Roll Call: All Ayes

Moved by Renslow, seconded by Morgan to approve the Consent Agenda:

- A. Approval of minutes of 07/11/2022
- B. Approval of financial statement as of 07/31/2022
- C. Approval of bills as presented
- D. Approval of liquor license – Johnie's Tap – outdoor (RVTV & BBQ Cook-off)
- E. Approval of liquor license – Ruby's Pub – outdoor (RVTV & BBQ Cook-off)

Roll Call: All Ayes

Mayor Cook opened the Public Hearing on the Fire Department financing for a new truck.

There were no written or oral objections.

Mayor Cook declared Public Hearing closed.

Moved by Renslow, seconded by Doely to approve Resolution No. 22-30C "Resolution Taking Additional Action on Proposal to Enter into a General Obligation Fire Truck Acquisition Loan Agreement and to Borrow Money Thereunder in a Principle Amount not to Exceed \$290,000."

Roll Call: All Ayes

City Engineer Forrest Aldrich made a presentation to the city council recommending accepting Change order No. 1 from InRoads of \$133,352.00 for the street pavement work for South 6<sup>th</sup> Street and \$10,610.00 for South Gaines Street.

Moved by Kirkpatrick, seconded by Morgan to approve Change order No. 1 from InRoads for \$133,352.00 for the street pavement work for South 6<sup>th</sup> Street, and to delete the South Gaines portion for \$10,610.00, using millings to pave the South Gaines portion instead.

Roll Call: All Ayes

Moved by Renslow, seconded by Kirkpatrick to renew the development agreement with the All Saints Center under the management of Greg Dudley.

Roll Call: All Ayes

Moved by Kirkpatrick, seconded by Renslow to approve the BBQ Committee's request to close NE 2<sup>nd</sup> Street from Division to Fremont 09/23/2022, subject to Public Works Director Henderson and Police Chief Reha's approval.

Roll Call: All Ayes

The following letter was received and read by Mayor Cook:

“Mayor and City Council,

We would like to extend our appreciation to Sean (EMS Director) for his prompt and great care our family member received (July 29<sup>th</sup>.)

Sean was nothing more than positive, professional and overwhelmingly accommodating. We, as citizens of Stuart, are fortunate to have him as our EMS Director. Sean is dedicated to the EMS department, puts in long hours and is active in the community.

Thanks again for your assistance and calm demeanor during a stressful time.

Bryan and Teresa Belden”

Rescue Director Sean Bovinett made a presentation to the council regarding the status of finding a new medical director for the Rescue department.

Moved by Doely, seconded by Kirkpatrick to authorize Director Bovinett to offer up to \$2000.00 per year as compensation to a medical director.

Roll Call: All Ayes

Brenda Dudley of the Stuart Chamber of Commerce made a presentation to the council requesting North 2<sup>nd</sup> Street be closed from Gaines to Division and from Division to Fremont, leaving Division Street open, for the upcoming RVTV event 09/08/2022.

Moved by Renslow, seconded by Morgan to approve the Stuart Chamber of Commerce's request to close North 2<sup>nd</sup> Street from Gaines to Division and from Division to Fremont, leaving Division Street open for the upcoming RVTV event 09/08/2022, subject to Public Works Director Henderson and Police Chief Reha's approval.

Roll Call: All Ayes

Moved by Renslow, seconded by Doely to approve Resolution 22-28C "A Resolution Accepting the Official Financial Report of the City for City Streets and Parking for the Fiscal Year 2021 and Directing the Clerk to File the Report with the Iowa Department of Transportation (Road Use)."

Roll Call: All Ayes

Moved by Doely, seconded by Morgan to set the date for a public hearing (September 12, 2022 at 6:30pm at City Hall) regarding rezoning the Galliano family property from Light Industrial (LI) to Residential Single-Family (RS).

Roll Call: All Ayes

Economic Development Director Matt Funk made a presentation to the Council regarding the status of the development agreement with Aust Hotels, LLC.

Moved by Renslow, seconded by Morgan to approve the grant agreement between the Iowa Economic Development Authority and the City of Stuart.

Roll Call: All Ayes

Moved by Renslow, seconded by Morgan to approve the development agreement between the City of Stuart and Aust Hotels, LLC.

Roll Call: All Ayes

Moved by Renslow, seconded by Doely to approve granting an extension of the Hotel Stuart Development Agreement completion date for Aust Hotels, LLC to June 14, 2023.

Roll Call: All Ayes

Economic Development Director Funk made a presentation to the Council regarding the status of Andy Forcht's business relocation. Andy Forcht spoke to the Council about his efforts to obtain a commercial building permit.

Moved by Renslow, seconded by Morgan to table item No. 11. (D) until the special meeting 8/15/2022.

Roll Call: Ayes: Renslow, Morgan, Doely  
Nays: Kalbach, Kirkpatrick

Economic Development Director Funk made a presentation to the Council regarding suggested amendments to the current City of Stuart Procurement Policy.

Moved by Kalbach, seconded by Doely to approve the proposed amendments to the City of Stuart Procurement Policy, subject to the review and approval of the city attorney.

Roll Call: All Ayes

Council Member Kalbach introduced an ordinance entitled Ordinance No. 22-04C "An Ordinance Amending Chapter 75, All-Terrain Vehicles and Snowmobiles, and Ordinance Adopting Chapter 78, Golf Carts, of the Code of Ordinances of the City of Stuart"

It was moved by Council Member Kalbach and seconded by Council Member Morgan that the aforementioned ordinance had been given its first consideration and that it be adopted. The Mayor put the question on the motion and the roll being called, the following named Council Members voted:

Ayes: Kalbach, Kirkpatrick, Morgan, Doely, Renslow  
Nays: None

WHEREUPON, the Mayor declared the motion duly carried and declared that said ordinance had been given its initial consideration.

It was moved by Council Member Kalbach and seconded by Council Member Morgan that the rule requiring Ordinance 22-04C "An Ordinance Amending Chapter 75, All-Terrain Vehicles and Snowmobiles, and Ordinance Adopting Chapter 78, Golf Carts, of the Code of Ordinances of the City of Stuart" be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be acted upon be suspended. The Mayor put the question on motion and the roll being called, the following named Council Members voted:

Ayes: Kalbach, Kirkpatrick, Morgan, Doely, Renslow

Nays: None

WHEREUPON, the Mayor declared the Motion duly carried.

It was moved by Council Member Doely and seconded by Council Member Kalbach that the Ordinance entitled Ordinance 22-04C “An Ordinance Amending Chapter 75, All-Terrain Vehicles and Snowmobiles, and Ordinance Adopting Chapter 78, Golf Carts, of the Code of Ordinances of the City of Stuart” now be put upon final passage and adoption. The Mayor put the question on the final passage and adoption of said Ordinance and the roll being called, the following named Council Members voted:

Ayes: Kalbach, Kirkpatrick, Morgan, Doely, Renslow

Nays: None

WHEREUPON, the Mayor declared said Motion duly adopted and signed his approval to said Ordinance.

Council Member Doely introduced an ordinance entitled Ordinance No. 22-05C “An Ordinance to Amend Sections 168.12 (4) and 168.12 (5) of the Zoning Supplementary District Regulations.”

It was moved by Council Member Doely and seconded by Council Member Morgan that the aforementioned ordinance had been given its first consideration and that it be adopted. The Mayor put the question on the motion and the roll being called, the following named Council Members voted:

Ayes: Kalbach, Kirkpatrick, Morgan, Doely, Renslow

Nays: None

WHEREUPON, the Mayor declared the motion duly carried and declared that said ordinance had been given its initial consideration.

It was moved by Council Member Renslow and seconded by Council Member Kirkpatrick that the rule requiring Ordinance 22-05C “An Ordinance to Amend Sections 168.12 (4) and 168.12 (5) of the Zoning Supplementary District Regulations” be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be acted upon be suspended. The Mayor put the question on motion and the roll being called, the following named Council Members voted:

Ayes: Kalbach, Kirkpatrick, Morgan, Doely, Renslow

Nays: None

WHEREUPON, the Mayor declared the Motion duly carried.

It was moved by Council Member Morgan and seconded by Council Member Doely that the Ordinance entitled Ordinance 22-05C “An Ordinance to Amend Sections 168.12 (4) and 168.12 (5) of

the Zoning Supplementary District Regulations” now be put upon final passage and adoption. The Mayor put the question on the final passage and adoption of said Ordinance and the roll being called, the following named Council Members voted:

Ayes: Kalbach, Kirkpatrick, Morgan, Doely, Renslow

Nays: None

WHEREUPON, the Mayor declared said Motion duly adopted and signed his approval to said Ordinance.

Meaghan Pike made a presentation to the Council about a nuisance violation notice that she received. The Council agreed to discuss the issue of toys in yards with the Code Enforcement Officer.

Mayor Cook opened the Public Hearing on the General Obligation and Acquisition Loan Agreement and to Borrow Money Thereunder in a Principle Amount not to Exceed \$400,000.

There were no written or oral objections.

Mayor Cook declared Public Hearing closed.

Moved by Kalbach, seconded by Kirkpatrick to approve Resolution No. 22-29C “Resolution Taking Additional Action on Proposal to Enter into a General Obligation and Acquisition Loan Agreement and to Borrow money Thereunder in a Principle Amount not to Exceed \$400,000.”

Roll Call: All Ayes

Moved by Renslow, seconded by Kalbach to approve both Resolution No. 22-31C “Resolution Authorizing Issuance of a \$245,000 Taxable General Obligation Insurance Funding Note, Series 2022C” and to approve the Bank Term Sheet.

Roll Call: All Ayes

Moved by Kalbach, seconded by Renslow to approve Resolution 22-25C “Resolution Setting the Date (September 12, 2022 at 6:30pm at City Hall) for a Public Hearing on Designation of the Expanded Stuart Urban Renewal Area and on Urban Renewal Plan Amendment.”

Roll Call: All Ayes

Moved by Renslow, seconded by Morgan to approve Resolution 22-26C “Resolution Setting a Date of meeting (September 12, 2022 at 6:30pm at City Hall) at which it is proposed to approve a development

agreement with Central Iowa Collision, L.L.C., including annual appropriation tax increment payments in an amount not to exceed \$100,000.”

Roll Call: All Ayes

Moved by Renslow, seconded by Morgan to approve Resolution 22-27C “Resolution Setting a Date of meeting (September 12, 2022 at 6:30pm at City Hall) at which it is proposed to approve a development agreement with SLK Holdings, L.L.C., including annual appropriation tax increment payments in an amount not to exceed \$50,000.”

Roll Call: All Ayes

Councilmember Renslow suggested contacting Marketa Oliver of Theia Management Consulting to conduct Closed Session Training for the members of City Council.

Administrator Ashour informed the Council that former employee Mike Morgan will continue to provide IT services to City Hall and Stuart Utilities at a retainer of \$200.00 per month, with payment to be split evenly between the City and Stuart Utilities.

Administrator Ashour informed the Council that employee Sarah Stouffer has been taking on additional duties and acting as Interim Deputy Clerk. The position of Billing Clerk has been advertised, and interviews will be held over the next few weeks.

The Council scheduled a special meeting to take place August 15, 2023 at 6:00p.m.

Adjournment at 8:30pm

Minutes submitted by Billing Clerk Stouffer

---

Dick Cook, Mayor

---

Ashraf Ashour, City Administrator