

09/12/2022

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, Kirkpatrick, Morgan, Doely, and Renslow. Also present were City Administrator Ashour, Billing Clerk Stouffer, DuWayne Dalend, Doug Jirak, Forrest Aldrich, Warren Varley, Crystal Kirkpatrick, Matt Funk, Jim Henderson, Kory Guisinger, Craig and Christy Russell, Barb Boss, Lisa Sherman, John Gulbransonm Bob Cook, Jason VanAusdall, Brandi Coil, and Jessica Wolfe.

Moved by Renslow, seconded by Kirkpatrick to approve the Agenda.

Roll Call: All Ayes

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

- A. Approval of minutes of 08/08/2022 and special meetings of 08/15/2022 and 08/30/2022
- B. Approval of financial statement as of 08/31/2022
- C. Approval of bills as presented
- D. Approval of liquor license – Los Altos Mexican Restaurant LLC
- E. Approval of liquor license – Stuart Flowers & Gifts, LLC
- F. Approval of liquor license – Stuart Bowl & Lounge

Roll Call: All Ayes

Councilmember Kalbach discussed with the Council the process of establishing a procedure for completing a performance review of the City Administrator. The Council requested the process to be established for all employees.

Moved by Renslow, seconded by Doely to establish a procedure for completing performance reviews of all employees: The department heads will review department employees, the City Administrator will review the department heads, and the Council will review the City Administrator by distributing a review form to each councilmember (to be completed individually,) which will then be given to the Mayor, who will discuss the performance reviews with the City Administrator, and if a discussion with the Council is desired it will be completed with the full Council in attendance during the annual regular April meeting of the City Council.

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

Motion carried.

City Administrator Ashour made a statement that he has suffered damage as a result of the way Councilmember Kalbach placed the item of City Administrator Performance Review on the agenda last month, and cited the incorrect code for possible closed session. Councilmember Kalbach acknowledged that he cited the wrong code for possible closed session and responded that his intention was not to embarrass City Administrator Ashour. City Attorney DuWayne Dalend informed the Council that the Mayor has the final say over the agenda, and supporting material for each item on the agenda preferably be required, as well as suggested that the agenda be sent to the city attorney for review.

Brandi Coil and Jessica Wolfe made a presentation to the council regarding suggested improvements to the Sports Complex, and the willingness of the Recreational Club to work with the City and Utility to achieve the suggested improvements. Concerns were expressed that the current Parks and Recreation budget will not cover the cost of the suggested improvements, and that there is currently not enough city staff available to monitor the restrooms at the Sports Complex.

Moved by Renslow to have City Administrator Ashour meet with Mayor Cook, Councilmember Morgan, Utility Superintendent Howey and Public Works Director Henderson to work together on a plan to address the suggestions, and to allow the Recreation Club to landscape around the large memorial rock, and to have the Recreation Club discuss planting trees with Public Works Director Henderson.

There was no second to the motion.

Motion not carried.

Moved by Kalbach, seconded by Kirkpatrick to allow the Recreation Club to landscape around the large memorial rock, and to refer the Recreation Club to work with City Administrator Ashour and Public Works Director Henderson on the planting of the trees, and to have City Administrator Ashour meet with Mayor Cook, Councilmember Morgan, Utility Superintendent Howey and Public Works Director Henderson to work together on a plan to address the suggestions presented by the Recreation Club.

Roll Call: Ayes: Kalbach, Kirkpatrick, Doely, Renslow
 Nays: None
 Abstain:Morgan

Motion carried.

Mayor Cook made a presentation to the Council regarding the possibility of the City purchasing land next to the Sports Complex in order to increase the area available for parking. Mayor Cook

has been discussing the issue with the City's Financial Advisor, Chip Schultz. It is possible that the suggested improvements to the Sports Complex and the land purchase could be combined into one project.

Moved by Kalbach, seconded by Doely to proceed with the suggestion to purchase land next to the Sports Complex and to make improvements to the Sports Complex by referring the matter to the City's bond attorney for review.

Roll Call: All Ayes

Moved by Kalbach, seconded by Kirkpatrick to extend the current cemetery mowing contract of \$4,416.67 per month for one month, from October 9, 2022 to November 9, 2022.

Roll Call: Ayes: Kalbach, Kirkpatrick, Morgan, Doely
Nays: None
Abstain: Renslow

Mayor Cook opened the Public Hearing on rezoning the Galliano Property from Light Industrial (LI) to Residential Single Family (RS.)

There were no written or oral objections.

Mayor Cook declared Public Hearing closed.

Council Member Kalbach introduced an ordinance entitled Ordinance No. 22-06C "An Ordinance Amending the Code of Ordinances of the City of Stuart, Iowa by rezoning property owned by Galliano and Broshuis from Light Industrial (LI) to Residential Single Family (RS) zoning district."

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 22-06C "An Ordinance Amending the Code of Ordinances of

the City of Stuart, Iowa by rezoning property owned by Galliano and Broshuis from Light Industrial (LI) to Residential Single Family (RS) zoning district” 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 Kalbach and seconded by Council Member Morgan that the Ordinance entitled Ordinance 22-06C “An Ordinance Amending the Code of Ordinances of the City of Stuart, Iowa by rezoning property owned by Galliano and Broshuis from Light Industrial (LI) to Residential Single Family (RS) zoning district.” 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.

Mayor Cook opened the Public Hearing on the Urban Renewal Plan Amendment.

There were no written or oral objections.

Mayor Cook declared Public Hearing closed.

Moved by Renslow, seconded by Kalbach to approve Resolution No. 22-35C “Resolution to Approve Urban Renewal Plan Amendment for the Stuart Urban Renewal Area”

Roll Call: All Ayes

Mayor Cook opened the Public Hearing on the Development Agreement with Central Iowa Collision, L.L.C..

There were no written or oral objections.

Mayor Cook declared Public Hearing closed.

Moved by Kalbach, seconded by Morgan to approve Resolution 22-36C “Resolution Approving Development Agreement with Central Iowa Collision, L.L.C., Authorizing Annual Appropriation Tax Increment Payments and Pledging Certain Tax Increment Revenues to the Payment of the Agreement”

Roll Call: All Ayes

Mayor Cook opened the Public Hearing on the Development Agreement with SLK Holdings, L.L.C..

Council member Kalbach asked whether this development agreement was for the building that holds The Stuart Scoop or the other commercial building owned by SLK Holdings, L.L.C. Economic Development Director Funk clarified that this development agreement is only for the building that holds The Stuart Scoop, and that there is currently one development agreement allowed per physical address.

There were no written or oral objections.

Mayor Cook declared Public Hearing closed.

Moved by Renslow, seconded by Doely to approve Resolution 22-37C “Resolution Approving Development Agreement with SLK Holdings, L.L.C., Authorizing Annual Appropriation Tax Increment Payments and Pledging Certain Tax Increment Revenues to the Payment of the Agreement”

Roll Call: All Ayes

Warren Varley made a presentation to the council on behalf of his client, Joyce Hick, stating that she would like to make a donation of land to the City of Stuart, to be used as a park and kept as green space. Varley requested that the matter be referred to the city attorney to work with himself to negotiate the terms for accepting the conditional gift, and advised the council that the City’s Comprehensive Plan will need to be amended. Councilmember Kalbach expressed that he would like to see the name of the donor be included in the name of the park.

Moved by Renslow, seconded by Kalbach to refer the proposal presented by Warren Varley to the city attorney and to ask for his recommendation and direction.

Roll Call: All Ayes

Council member Renslow spoke on behalf of Russ Wagner, who requested the City assist the Best of the Block BBQ event by covering the cost of providing security. Wagner requested the presence of an officer on site to guard the equipment from 9:00 pm until 5:00 am the night before the event, at a cost of \$30.00 per hour for eight (8) hours.

Moved by Renslow, seconded by Kalbach to approve the city covering the cost of security for the Best of the Block BBQ event, not to exceed \$250.00.

Roll Call: All Ayes

Moved by Renslow, seconded by Kirkpatrick to approve extending Avey Sanitation's contract for garbage collection service as follows:

2022 – 3085.00 per month, beginning September
2023 - \$3135.00 per month
2024 - \$3185.00 per month
2025 - \$3235.00 per month
2026 - \$3285.00 per month

Roll Call: All Ayes

Jason VanAusdall of Iowa Code Enforcement made a presentation to the Council regarding the code enforcement policy and procedure. Councilmember Renslow requested the \$200.00 charge for a special meeting with Jason and Max Van Ausdall regarding the code enforcement contract be paid in addition to the \$1000.00 approved monthly fee. VanAusdall also recommended an amendment to strike Section 1(5) "Violations of restrictive covenants and/or restriction on platted property within the City limits" from Ordinance 21-03C "An Ordinance to Amend Section 50.03 of the Stuart Municipal Code to Include the Violation of Restrictive Covenants on Platted Property Within the City as Defined Nuisances Subject to Municipal Enforcement" be referred to the city attorney.

Moved by Renslow, seconded by Morgan to approve paying the \$200.00 charge for a special meeting with Jason and Max Van Ausdall regarding the code enforcement contract to Iowa Code Enforcement in addition to the \$1000.00 approved monthly fee, and that to refer VanAusdall's suggestion that an amendment to strike Section 1(5) "Violations of restrictive covenants and/or restriction on platted property within the City limits" from Ordinance 21-03C "An Ordinance to Amend Section 50.03 of the Stuart Municipal Code to Include the Violation of Restrictive Covenants on Platted Property Within the City as Defined Nuisances Subject to Municipal Enforcement" to the city attorney.

Roll Call: All Ayes

The Council took a break at 8:20pm

The Council resumed the meeting at 8:25pm

Economic Development Director Matt Funk made a presentation of the monthly economic development report to the Council, and thanked all the volunteers involved in making the RVTV event successful.

Mayor Cook proclaimed October 31, 2022 from 5:00 p.m. to 7:00 p.m. for the downtown area and 6:00 p.m. to 8:00 p.m. for the residential area for Beggar's Night.

Moved by Kalbach, seconded by Renslow to approve Contract Change Order #1 from Toyne-Tat for \$9,689.00 for changes to the order for the new fire truck for the Stuart Fire Department.

Roll Call: All Ayes

Moved by Renslow, seconded by Kalbach to approve the 2022 Annual Financial Report for Fiscal Year Ended June 30, 2022.

Roll Call: All Ayes

Moved by Kirkpatrick, seconded by Renslow to approve the 2022 Urban Renewal Report.

Roll Call: All Ayes

Moved by Renslow, seconded by Kalbach to approve the proposal to engage Marketa Oliver of Theia Management Consulting for a training on Closed Session procedures for a fee of \$450.00 plus expenses in an amount not to exceed \$300.00.

Roll Call: All Ayes

City Administrator Ashour informed the Council that interviews for the position of Billing Clerk were successful, recommended that Ashley Pieper be offered the position at a wage of \$18.00 per hour (60% of pay from Utilities and 40% of pay from City) with benefits paid by the City.

Moved by Kirkpatrick, seconded by Renslow to approve City Administrator Ashour's recommendation that Ashley Pieper be offered the position at a wage of \$18.00 per hour (60% of pay from Utilities and 40% of pay from City) with benefits paid by the City.

Roll Call: All Ayes

City Administrator Ashour informed the Council that current employee Sarah Stouffer has been performing the duties of Deputy Clerk for the last two months, and would like to make a recommendation to promote employee Sarah Stouffer to fill the position of Deputy Clerk (50% of pay and benefits from Utilities and 50% of pay and benefits from the City) with a wage increase of \$5,000.00 per year raise from the City and a \$5,000.00 per year raise from the Utility.

Moved by Kirkpatrick, seconded by Renslow to approve City Administrator Ashour's recommendation to promote employee Sarah Stouffer to fill the position of Deputy Clerk (50% of pay and benefits from Utilities and 50% of pay and benefits from the City) with a wage increase of \$5,000.00 per year raise from the City and a \$5,000.00 per year raise from the Utility.

Roll Call: All Ayes

Moved by Kalbach, seconded by Kirkpatrick to approve Resolution No. 22-38C "Resolution Adopting Residential Anti-Displacement and Relocation Assistance Programs."

Roll Call: All Ayes

Moved by Kalbach, seconded by Kirkpatrick to approve Resolution No. 22-39C "Resolution Adopting Equal Opportunity Policy."

Roll Call: All Ayes

Moved by Kalbach, seconded by Kirkpatrick to approve Resolution No. 22-40C "Resolution Adopting a Code of Conduct Policy."

Roll Call: All Ayes

Moved by Kalbach, seconded by Kirkpatrick to approve Resolution No. 22-41C "Resolution Adopting a Policy on the Prohibition of the Use of Excessive Force."

Roll Call: All Ayes

Moved by Kalbach, seconded by Kirkpatrick to approve the Certification of Compliance CDNG Procurement Standards and Affirmative Fair Housing Policy.

Roll Call: All Ayes

Mayor Cook appointed Bryan Belden to fill a vacant spot on the Board of Adjustment with a term ending 01/2024, as well as appointed Angie Capps to fill a vacant spot on the Planning and Zoning Commission with a term ending 01/2023, and appointed Steve James to fill a vacant spot on the Planning and Zoning Commission with a term ending 01/2023.

Roll Call: Ayes: Kalbach, Morgan, Doely, Renslow
 Nays: none
 Abstain:Kirkpatrick

Motion carried.

Adjournment at 8:44pm

Minutes submitted by Deputy Clerk Stouffer

Dick Cook, Mayor

Ashraf Ashour, City Administrator