

09/11/2023

The regular meeting of the Stuart City Council was called to order on the above date at 6:10 pm by Mayor Cook. Present were Council Members Kalbach, Kirkpatrick, Morgan, Doely and Renslow. Also present were City Administrator Ashour, Deputy Clerk Stouffer, Jim Henderson, Matt Funk, Forrest Aldrich, Shane Martinson, Greg Irving, Kristi Irving, Allen Neal, Tawnya Neal, Marcus Mackey, Chip Schultz, Lisa Sherman, Brenda Dudley, Crystal Kirkpatrick, Alan Bovee, Andrew Forcht, Jason Van Ausdall, Harrison Van Ausdall, Kory Guisinger, Luke Dahl, Harvey Hunter and Susan Hunter.

Moved by Morgan, seconded by Kalbach to approve the agenda.

Roll Call: All Ayes

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

- A. Approval of minutes of 08/14/2023
- B. Approval of financial statement as of 08/31/2023
- C. Approval of bills as presented
- D. Approval of Liquor Licenses – Stuart Bowl & Lounge; Stuart Flowers & Gifts LLC

Roll Call: All Ayes

Greg Irving, a resident of N. Fremont Street, requested that the City consider vacating the land platted as North Ninth Street where it abuts their property to the north. North Ninth Street has already been vacated to the west of their property line, so it is currently a dead end.

Moved by Kalbach, seconded by Doely to refer the request to the Planning and Zoning Commission.

Roll Call: All Ayes

Mayor Cook opened the public hearing for the proposed sale of land to Allen and Tawnya Neal.

There were no written or oral objections.

Mayor Cook declared the public hearing closed.

Moved by Renslow, seconded by Kalbach to approve Resolution No. 23-23C “Resolution Approving Sale of Real Estate to Allen and Tawnya Neal.”

Roll Call: All Ayes

Tri-Center Association Congregate Meal Board Chairman Alan Bovee made a presentation to the Council requesting a donation to the organization. Bovee informed the Council that Congregate Meals provides onsite and in-home meal service to citizens in four communities, and received less funding for this year's operation from Elderbridge Agency of Aging due to state and federal cuts.

Moved by Renslow, seconded by Kirkpatrick to approve donating \$1000.00 to Tri-Center Association Congregate Meals, as requested by Board Chairman Alan Bovee.

Roll Call: All Ayes

Mayor Cook requested bids to remove tree stumps from the North and South Oak Cemeteries, as well as Lawbaugh Park. Public Works Director Henderson informed the Council that he does not have the information needed to seek bids. He will have it ready at the next Council meeting.

Mayor Cook presented letters from citizens requesting the stumps remaining in the right of way after the removal of dead and diseased ash trees be removed at the City's expense.

The Council declined to take action in regard to removing the tree stumps.

Mayor Cook informed the Council that there is no nuisance abatement needed at the property at 320 North Division Street.

Mayor Cook requested the Council's permission to spend \$400.00 plus landfill fees for nuisance abatement at the property located at 420 North Sherman Street.

Moved by Kalbach, seconded by Renslow to approve Mayor Cook's request to spend \$400.00 plus landfill fees for nuisance abatement at the property located at 420 North Sherman Street.

City Zoning Administrator and Building Inspector Jason Van Ausdall of Veenstra & Kimm informed the Council that there has been work performed to the structure at 420 North Sherman Street without a permit. Van Ausdall has issued a stop work order, and is working with the city attorney to contact the property owner.

Mayor Cook made a presentation to the Council regarding the history of code enforcement against resident Andrew Forcht. Forcht has payed the \$15.00 per calendar day fine on time for the past year, and continues to perform automotive at his residential property.

Moved by Renslow, seconded by Doely to keep the \$15.00 per calendar day fine and to set a deadline of January 1, 2024 for Forcht to obtain an approved building permit from Veenstra & Kimm, or shut down his business, and will not discuss the item again until the January meeting.

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

Motion carried.

City Engineer Forrest Aldrich of Veenstra & Kimm made a presentation to the Council regarding the Wambold Phase 3 (Housing Phase 4) Project. Aldrich recommended payment to McAninch Corporation in the amount of \$355,330.05.

Moved by Kalbach, seconded by Doely to approve Pay Application No. 3 to McAninch Corporation for \$355,330.05 as recommended by City Engineer Forrest Aldrich of Veenstra & Kimm.

Roll Call: All Ayes

Mayor Cook opened the public hearing for the 2023 Sanitary Sewer System Improvements project.

There were no written or oral objections.

Mayor Cook declared the public hearing closed.

Moved by Renslow, seconded by Kalbach to approve Resolution No. 23-28C “Resolution to Approve Plans, Specifications, Form of Contract and Estimate of Cost for the 2023 Sanitary Sewer System Improvements Project.”

Roll Call: All Ayes

City Engineer Forrest Aldrich with Veenstra & Kimm, Inc. informed the Council that four bids were received for the 2023 Sanitary Sewer System Improvements Project:

<u>Contractor:</u>	<u>Bid:</u>	<u>Alternate 1:</u>	<u>Total Bid:</u>
Visu-Sewer, Inc.	\$495,122.00	\$131,072.00	\$626,194.00
Hydro-Klean, LLC	\$509,425.27	\$142,462.26	\$651,887.53
Municipal Pipe	\$552,599.50	\$161,626.40	\$714,225.90
Institutform Technologies	\$575,593.89	\$142,501.82	\$718,095.71

After review of the bids received, Veenstra & Kimm, Inc. would recommend the City of Stuart award contract for the 2023 Sanitary Sewer Improvements Project to Visu-Sewer, Inc LLC in the amount of \$626,194.00 for the total bid of base bid and alternate bid based on their bid received September 6, 2023.

Moved by Kalbach, seconded by Doely to approve Resolution No. 23-29C “Resolution Awarding a Contract for the 2023 Sanitary Sewer Improvements Project” to Visu-Sewer, Inc LLC as recommended by City Engineer Forrest Aldrich of Veenstra & Kimm.

Roll Call: All Ayes

City Engineer Forrest Aldrich of Veenstra & Kimm made a presentation to the Council regarding the Safe Routes to School Sidewalk Project.

Moved by Kirkpatrick, seconded by Kalbach to approve Partial Payment No. 3 to Caliber Concrete, LLC for \$181,814.25.

Roll Call: All Ayes

City Engineer Forrest Aldrich with Veenstra & Kimm, Inc. made a presentation to the Council regarding the 2022 Street Improvements Project. Aldrich informed the Council that the project is complete, and recommended the Partial Payment Estimate No. 3 to InRoads, LLC in the amount of \$0.00 be approved and recommended the release of the retainage in the amount of \$18,060.24, 31 days after the final acceptance of the project.

Moved by Kirkpatrick, seconded by Doely to approve the Partial Payment Estimate No. 3 to InRoads, LLC in the amount of \$0.00 and the release of the retainage in the amount of \$18,060.24, 31 days after the final acceptance of the project as recommended by City Engineer Forrest Aldrich.

Roll Call: All Ayes

Moved by Doely, seconded by Morgan to accept the Certificate of Completion and Acceptance of Project for the 2022 Street Improvements Project as recommended by city engineer Forrest Aldrich.

Roll Call: All Ayes

The Council discussed a memorandum prepared by city attorney DuWayne Dalen regarding the recommended insurance requirements for contractors performing work for the City. The recommendation was provided by the City’s insurance representative at the request of Public Works Director Jim Henderson. Public Works Director Henderson informed the Council that he is gathering more information regarding the subject.

The Council tabled the item.

The Council discussed changing the speed limit on South Division Street from 45 miles per hour to 35 miles per hour to the southern corporate limit and also changing the speed limit from 45 miles per hour to 35 miles per hour to the eastern corporate limit. The Council directed the Public Works Director and Police Chief to discuss the change and for a resolution to be prepared if there are no issues with the change.

Moved by Renslow, seconded by Morgan to approve the 2023 Annual Financial Report for Fiscal Year Ended June 30, 2023.

Roll Call: All Ayes

Moved by Kalbach, seconded by Kirkpatrick to approve the 2023 Urban Renewal Report.

Roll Call: All Ayes

Mayor Cook proclaimed October 31, 2023 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.

Mayor Cook opened the public hearing for the proposed development agreement with SLK Holdings #002, LLC.

There were no written or oral objections.

Mayor Cook declared the public hearing closed.

Moved by Kalbach, seconded by Morgan to approve Resolution No. 23-30C "Resolution Approving a Development Agreement with SLK Holdings #002, LLC 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 for the proposed development agreement with Bonnie & Clyde Hideout, LLC.

There were no written or oral objections.

Mayor Cook declared the public hearing closed.

Moved by Kalbach, seconded by Renslow to approve Resolution No. 23-31C "Resolution Approving a Development Agreement with Bonnie & Clyde Hideout, LLC Authorizing Annual

Appropriation Tax Increment Payments and Pledging Certain Tax Increment Revenues to the Payment of the Agreement.”

Roll Call: All Ayes

City Administrator Ashour informed the Council that the threshold for comp time for Public Works employees may be exceeded before the end of the year, and the Council was in agreement with exceeding the threshold. City Administrator Ashour explained that the Public Works department has had an open position for most of the year, so the two current employees have had to work extra hours.

Adjournment at 7:37 pm.

Minutes submitted by Deputy Clerk Stouffer.

Dick Cook, Mayor

Ashraf Ashour, City Administrator