

11/13/2023

The regular meeting of the Stuart City Council was called to order on the above date at 6:00 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, Chip Schultz (over the phone,) Brenda Dudley, Crystal Kirkpatrick, Kory Guisinger, John Gulbranson, Sean Bovinett, Barbara Boss, and Kevin Guisinger, Dustin and Angie Capps, Warren Varley, Lisa Sherman, Katelynn Bovinett, Laura Weber, and Marcus Mackey.

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

Roll Call: All Ayes

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

- A. Approval of minutes of 10/09/2023 and Joint Meeting of 10/26/2023
- B. Approval of financial statement as of 10/31/2023
- C. Approval of bills as presented

Roll Call: All Ayes

Public Works Director Jim Henderson made a presentation to the Council regarding the planned improvements to the Sports Complex, as shown below:

CITY OF STUART, IOWA Date Prepared: 3/23/2023 **EXHIBIT A**
Proposed Sports Complex / Park Improvements for City Council Review

PRELIMINARY DRAFT; SUBJECT TO CHANGE

| A | B | C | D | E | F |
|---|--|---|-----------------------|---|-------------------------------|
| Table 1. Summary of Potential Project Costs | | | | | |
| [Preliminary; subject to City staff input, Mayor and City Council review] | | | | | |
| | Description | | Estimated Cost | | Notes |
| 1 | | | | | |
| 2 | | | | | |
| 3 | | | | | |
| 4 | Park Improvements / Purchase of Land | | \$55,000 | | New Park Equip. or Land? |
| 5 | Gravel for New Parking Area | | 30,000 | | |
| 6 | Top Coating of Gravel (over Existing) | | 5,000 | | |
| 7 | Re-Do Plumbing / Inside of Building | | 1,000 | | |
| 8 | Lighting (Assumes New Lights) | | 20,000 | | |
| 9 | Electrical Panel (High Estimate, Likely Lower) | | 2,000 | | |
| 10 | Bathroom / Updates | | 26,000 | | |
| 11 | Soil Testing / Engineering | | 10,000 | | |
| 12 | Miscellaneous / Contingency | | 1,000 | | Drinking fountain cover, etc. |
| 13 | Potential Total Cost | | \$150,000 | | Subject to change |

Henderson described the process of completing the planned improvements to the Sports Complex and recommended a timeline for completing the improvements, subject to changes.

Moved by Renslow, seconded by Kalbach to approve Public Works Director Henderson’s recommendation for the process of how to move forward with planned improvements to the Sports Complex and the timeline for completing the planned improvements, subject to changes.

Roll Call: All Ayes

Moved by Kalbach, seconded by Renslow to approve the 2023 Tax Increment Financing (TIF) Certificate as presented by City Financial Advisor, Chip Schultz, as follows:

CITY OF STUART, IOWA

Fiscal Year 2024 – 25 TIF Debt Certification (due December 1, 2023)

Proposed Final Version for Council Approval 11/13/2023

| Description | Adair County | Guthrie County | Total |
|--|-------------------|-------------------|---------------------|
| Part 1 - Bond Issues / Bank Notes | | | |
| Series 2012B GO (S. 7th St.)(Growmark) | 47,905.00 | - | 47,905.00 |
| <i>Series 2018A Tax. GO AA Bonds</i> | 164,418.00 | - | 164,418.00 |
| <i>Series 2018A Tax. GO AA Bonds</i> | 12,352.00 | - | 12,352.00 |
| Series 2019A GO AA (All Saints/Sewer/Street) | - | 313,104.00 | 313,104.00 |
| Series 2020A GO AA Corp. Purp. / Ref. (Various) | 398,640.00 | 265,000.00 | 663,640.00 |
| Series 2022A GO AA Ref (Refund 2012A / 2018 GO) | 295,088.60 | - | 295,088.60 |
| Series 2022D Taxable GO Land Acquisition | - | 59,280.00 | 59,280.00 |
| Series 2023A G.O. Ann. App. Proj. Notes (Housing) | - | - | - |
| Additional Debt Payments | - | - | - |
| Subtotal - Bond Issues / Bank Notes | 918,403.60 | 637,384.00 | 1,555,787.60 |
| Part 2 - Development Agreements / Other Obligations | | | |
| 2015 Marks Hotel Agreement | 26,500.00 | - | 26,500.00 |
| 2018 Economic Development Program Costs | 55,000.00 | - | 55,000.00 |
| 2018 J. Vitzhum Development Agreement | - | 9,000.00 | 9,000.00 |
| 2018 Karl Chevrolet Agreement | 89,183.92 | - | 89,183.92 |
| 2019/2023 (Update) SEED Economic Develop. Agree. | 50,000.00 | - | 50,000.00 |
| 2020 Casey's Development Agreement | - | - | - |

| | | | |
|---|---------------------|-------------------|---------------------|
| 2021 Stuart Appliance LLC Develop. Agreement | - | 12,500.00 | 12,500.00 |
| 2022 Stuart Herald Develop. Agreement | - | 10,000.00 | 10,000.00 |
| 2022 Central Iowa Collision Devel. Agreement | - | - | - |
| 2022 SLK Holdings (The Scoop) Develop. Agreement | - | 5,000.00 | 5,000.00 |
| 2022 Hotel Stuart (Aust) Develop. Agreement | - | 10,000.00 | 10,000.00 |
| 2023 Main Street Marketing Program | 14,400.00 | - | 14,400.00 |
| 2023 SLK #2 Holdings Development Agreement | - | 11,000.00 | 11,000.00 |
| 2023 Bonnie & Clyde Hideout Develop. Agreement | - | 16,787.50 | 16,787.50 |
| All Saints Center Agreement | - | 30,000.00 | 30,000.00 |
| TIF Blight Remediation Program | - | 101,293.46 | 101,293.46 |
| Municipal Sanitary Sewer System Oblig./Impvts. | 59,920.00 | - | 59,920.00 |
| Subtotal - Development Agreements / Other Debt | 295,003.92 | 205,580.96 | 500,584.88 |
| TOTAL - Bond Issues and Development Agreements | 1,213,407.52 | 842,964.96 | 2,056,372.48 |
| Less: Amount Paid by TIF Cash on Hand | - | - | - |
| TOTAL - Bond Issues and Development Agreements | 1,213,407.52 | 842,964.96 | 2,056,372.48 |

City Financial Advisor Chip Schultz of Northland Securities made a presentation to the Council regarding an agreement with Jenoptik for automated traffic enforcement cameras. Schultz informed the Council that he and City Attorney Steve Brick of Brick & Gentry reviewed the contract to ensure that the City would be let out of the contract without penalty if the State of Iowa passes legislation to prohibit automated traffic enforcement cameras in the future. Jenoptik will be responsible for installing and removing the cameras, as well as obtaining any necessary permits.

Moved by Kirkpatrick to table the item until after January 1, 2024.

There was no second to the motion.

Motion not carried.

Moved by Renslow to approve the contract with Jenoptik as presented by Chip Schultz.

There was no second to the motion.

Motion not carried.

Moved by Renslow, seconded by Kalbach to approve the contract with Jenoptik as presented by Chip Schultz, subject to Jenoptik being responsible for all installation costs, including the installation of a guard rail, if necessary.

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

Motion carried.

Council Member Renslow introduced an ordinance entitled Ordinance No. 23-05C “An Ordinance Enacting Section 60.09 – Automated Traffic Enforcement.”

It was moved by Council Member Renslow and seconded by Council Member Kalbach 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, Morgan, Doely, Renslow
Nays: Kirkpatrick

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 Renslow that the statutory rule requiring an ordinance to be considered and voted on for passage at two City Council meetings prior to the meeting at which it is to be finally passed be suspended. The Mayor put the question on the motion and the roll being called, the following named Council Members voted:

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

Whereupon, the Mayor declared the motion duly carried.

It was moved by Council Member Renslow and seconded by Council Member Kalbach that the ordinance entitled Ordinance No. 23-05C “An Ordinance Enacting Section 60.09 – Automated Traffic Enforcement” now be put upon its final consideration and adoption. The Mayor put the question on the motion, and the roll being called, the following named Council Members voted:

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

Whereupon, the Mayor declared the motion duly carried and the ordinance duly adopted.

Council Member Kalbach introduced an ordinance entitled Ordinance No. 23-06C “An Ordinance to Add Chapter 4 of the Stuart Municipal Code to Establish Policies and Procedures Pursuant to Iowa Code 421.65, Authorizing the City to Invoke the Setoff Provisions Contained Therein for Debts Owing to the City Which the City has Afforded the Debtor the Opportunity to Contest the Debt.”

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, Morgan, Doely, Renslow, Kirkpatrick
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 Morgan that the statutory rule requiring an ordinance to be considered and voted on for passage at two City Council meetings prior to the meeting at which it is to be finally passed be suspended. The Mayor put the question on the motion and the roll being called, the following named Council Members voted:

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

Whereupon, the Mayor declared the motion duly carried.

It was moved by Council Member Renslow and seconded by Council Member Doely that the ordinance entitled Ordinance No. 23-06C “An Ordinance to Add Chapter 4 of the Stuart Municipal Code to Establish Policies and Procedures Pursuant to Iowa Code 421.65, Authorizing the City to Invoke the Setoff Provisions Contained Therein for Debts Owing to the City Which the City has Afforded the Debtor the Opportunity to Contest the Debt” now be put upon its final consideration and adoption. The Mayor put the question on the motion, and the roll being called, the following named Council Members voted:

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

Whereupon, the Mayor declared the motion duly carried and the ordinance duly adopted.

Stuart Rescue Director Sean Bovinett informed the Council that Guthrie County EMS Director Jotham Arber was not able to attend to make a presentation to the Council regarding a proposal to develop a countywide EMS service. Councilmember Kirkpatrick informed the Council that he attended at a meeting of the Guthrie County EMS, and encouraged other council members to attend a meeting and learn more about the proposal. Councilmember Kalbach agreed that the

City Council should be involved in the conversation regarding a countywide EMS service, and should address concerns now during the planning process while no commitment is required.

The Council agreed with Councilmembers Kirkpatrick and Kalbach's recommendation to be involved in the conversation regarding a countywide EMS service without any commitment.

Moved by Doely, seconded by Kalbach to approve Pay Application No. 5 to McAninch Corporation for \$810,633.50 as recommended by City Engineer Forrest Aldrich of Veenstra & Kimm.

Roll Call: All Ayes

Moved by Renslow, seconded by Kalbach to approve the proposal from Panorama Fiber Telco to provide IT services to the City of Stuart on an hourly basis.

Roll Call: All Ayes

Economic Development Director Matt Funk made a presentation to the Council regarding the status of the All Saints Addition and Wambold Phase 3 housing developments and the Community Visioning Program.

Councilmember Renslow was placed on the Agenda to discuss an employment issue in regard to Rescue Director Sean Bovinett's article in the newspaper. The Council offered to enter closed session under Iowa Code 21.5(1)(i.) Bovinett declined to enter closed session. City Administrator Ashour informed the Council that he received and followed the recommendations from the City Attorney in regard to the action of Rescue Director Bovinett placing an article in the Stuart Herald newspaper dated 11/02/2023. After discussion, there was no further action.

Adjournment at 8:25 pm.

Minutes submitted by Deputy Clerk Stouffer.

Dick Cook, Mayor

Ashraf Ashour, City Administrator