

MAQUOKETA CITY COUNCIL MEETING  
Monday, November 18, 2019

Mayor Schwenker called the regular session of the Maquoketa City Council to order at 6:15 p.m. with six members present.

Present: Kean, Woodward, Lyon, Collister, Barker Holm                      Absent: Kuhlman  
Kuhlman entered the meeting at 6:25 p.m.

The group recited the pledge of allegiance.

Motion by Barker, seconded by Lyon approving the consent agenda consisting of the agenda, November 4, 2019 minutes, bills and monthly financial reports.                      Motion Carried 6-0

Ellenz reported that staff interviewed three engineering firms for the Nutrient Removal Process. He introduced WHKS Engineers as the engineering firm that will be in charge of the Nutrient Removal Project.

Motion by Barker, seconded by Collister approving the first reading of Ordinance No. 1160, entitled, "An Ordinance Repealing Section 4-1-7B Of Chapter 1 Of Title IV (Pit Bull Terriers Prohibited) Of The Code Of Ordinances Of The City Of Maquoketa, Iowa."                      Motion Carried 6-0

Motion by Collister, seconded by Barker suspending the rules and proceeding to the second and third reading of Ordinance No. 1160.                      Motion Carried 6-0

Motion by Collister, seconded by Barker approving the second reading of Ordinance No. 1160.  
Motion Carried 6-0

Motion by Collister, seconded by Barker approving the third and final reading of Ordinance No. 1160, entitled, "An Ordinance Repealing Section 4-1-7B Of Chapter 1 Of Title IV (Pit Bull Terriers Prohibited) Of The Code Of Ordinances Of The City Of Maquoketa, Iowa."                      Motion Carried 6-0

Motion by Barker, seconded by Collister authorizing additional payment in the amount of \$957.57 for Street Sweeper repairs.                      Motion Carried 6-0

Kuhlman entered the meeting at 6:25 p.m.

Schwenker questioned why the wording in the ATV ordinance mentioned sunrise and sunset. He stated he thought the City was going to try to copy the County and the ATV Club is proposing 4 a.m. to 10 p.m. to the County.

Lyon stated that he is not okay with 10 p.m. because not all of the ATV's have mufflers. Barker also stated she is not okay with 4 a.m. – 10 p.m.

Motion by Collister, seconded by Barker approving Resolution No. 2019-87, entitled, "Resolution Approving Regulations Regarding All-Terrain Vehicles And Off Road Utility Vehicles."  
Motion Carried 7-0

Motion by Lyon, seconded by Kean approving Resolution No. 2019-88, entitled, "Resolution Certifying And Claiming Tax-Increment (TIF) To Reimburse The City For Debts Incurred And Expenses Advanced Related To Urban Renewal Projects."                      Motion Carried 6-1                      Nay: Collister

Motion by Collister, seconded by Lyon extending audit services with RSM US LLP for Financial Statement Audit including report preparation for June 30, 2020 in the amount of not to exceed \$34,010.00.  
Motion Carried 7-0

Motion by Collister, seconded by Lyon approving Resolution No. 2019-89, entitled, "Resolution Approving Annual Financial Report For FY 2018-2019."  
Motion Carried 7-0

Motion by Lyon, seconded by Kean authorizing purchase of new pump from Mississippi Valley Pump in the amount of \$21,093 plus freight.  
Motion Carried 7-0

Motion by Collister, seconded by Barker approving the first reading of Ordinance No. 1161, entitled, "An Ordinance Amending The Code Of Ordinances Of The City Of Maquoketa, Iowa To Establish A Manufactured Home Park Zoning District."  
Motion Carried 7-0

Motion by Collister, seconded by Kean approving repairs in the amount of \$6,797.25 for Unit #45 from Thompson Truck.  
Motion Carried 7-0

Motion by Kean, seconded by Kuhlman approving repairs in the amount of \$8,282.44 for unit #47 from Thompson Truck.  
Motion Carried 7-0

Motion by Lyon, seconded by Barker approving acquisition and consultant assistance grant application for 138 S Main.  
Motion Carried 7-0

Motion by Kean, seconded by Barker approving acquisition and commercial interior grant application for 107 N Main.  
Motion Carried 6-0-1 Abstain: Collister

Motion by Collister, seconded by Barker approving Resolution No. 2019-90, entitled "Resolution Adopting Updated Written Employee Policy Handbook For The City of Maquoketa, Iowa."  
Motion Carried 7-0

Motion by Collister, seconded by Barker approving Resolution No. 2019-91, entitled, "Resolution Approving Compensation For All Public Works Non-Union Employees Effective July 1, 2020 – June 30, 2022."  
Motion Carried 7-0

Motion by Lyon, seconded by Barker going in to closed session to discuss strategy with counsel regarding a matter presently in litigation or where litigation is imminent where it's disclosure would be likely to prejudice or disadvantage the position of the governmental body in that litigation as permitted by Iowa Code Section 21.5(1)(c) at 6:37 p.m.  
Motion Carried 7-0

Open session resumed at 6:46 p.m.

Motion by Collister, seconded by Kean going in to closed session to discuss strategy with counsel regarding a matter presently in litigation or where litigation is imminent where it's disclosure would be likely to prejudice or disadvantage the position of the governmental body in that litigation as permitted by Iowa Code Section 21.5(1)(c) at 6:47 p.m.  
Motion Carried 7-0

Open session resumed at 7:12 p.m.

Motion by Collister, seconded by Barker going in to closed session to discuss strategy with counsel regarding a matter presently in litigation or where litigation is imminent where it's disclosure would be likely to prejudice or disadvantage the position of the governmental body in that litigation as permitted by Iowa Code Section 21.5(1)(c) at 7:13 p.m.  
Motion Carried 7-0

Open session resumed at 7:30 p.m.

Motion by Collister, seconded by Barker approving negotiated settlement agreement settling litigation threatened by Shelly Owens and Solomon Judd. Motion Carried 5-2

Ayes: Kean, Lyon, Collister, Barker Holm      Nay: Woodward, Kuhlman

Motion by Collister, seconded by Barker adjourning at 7:30 p.m.      All Ayes

---

Don Schwenker, Mayor

ATTEST:

---

Gerald Smith, City Manager