

Minutes of the Regular Meeting of City Council of the City of Manchester
Monday, December 12, 2016

Mayor Pro-Tem Ron Struble called the meeting to order at 5:00pm.

Roll call of members present: Dean Sherman, Mary Ann Poynor, Dan Stelken, Connie Behnken, Ron Struble.
Absent: Mayor Milt Kramer.

City Manager Tim Vick requested two items be removed from the agenda. Item 2.2 R-118-2016 Resolution Approving Bills should be removed from the Consent Agenda and considered separately. Due to server issues, staff was unable to attach a copies of the bills for approval. Vick also requested Item 2.14 be removed from the agenda as Fehr Graham has not yet had time to review Tschiggfrie's work on the project. Motion by Sherman, seconded by Behnken to approve the agenda as amended. Motion carried, all ayes.

Consent Agenda

- 2.1 Approval of the minutes of the November 28, 2016 City Council Meeting
- 2.2 R-118-2016 Resolution Approving Bills – **REMOVED FROM THE AGENDA**
- 2.3 Acknowledge Receipt of City Reports & Minutes
 - November 10th, 2016 Library Board meeting
 - November 2016 Statistical Report for the Library
 - November 2016 Wastewater Reports
- 2.4 Liquor License Applications
 - Renewal Application for On Premise Class C Liquor License with Catering Privilege and Sunday Sales for Blanco Mexican Restaurant
- 2.5 R-119-2016 Resolution Amending Salary Resolution
- 2.6 Approval of City Appointments for 2017
- 2.7 R-120-2016 Resolution Approving Solid Waste and Recycling Contract
- 2.8 R-121-2016 Resolution Approving Clayton Drive
- 2.9 Approve payment of claims totaling \$6,084.65 to Confluence for the Downtown Concept Plan & Park Development
- 2.10 Review decision of the Board of Adjustment to approve the exception request of Kevin and Barb Topping for the property at 304 Stiles Street for an exception to City Code Section 165.6.2 to allow for a reduction of three feet to the minimum required front yard setback of twenty five feet
- 2.11 Approve payment of Downtown Incentive Grants
 - Facade Grant in the amount of \$2,379.06 to Ann Meyer for the property at 106 N. Franklin St.
 - Commercial Interior Grant in the amount of \$2,676.01 to Ann Meyer for the property at 106 N. Franklin St.
 - Commercial Interior Grant in the amount of \$1,596.50 to Castle Theatre for the property at 112 E. Main St.
- 2.12 Approval of sidewalk and nuisance snow removal bids
- 2.13 R-122-2016 Resolution Waiving Right to Review Plat (Palmer Subdivision)
- 2.14 Approve payment to Tschiggfrie Excavating Co. in the amount of \$38,466.73 for the Whitewater Structure 3.5 Project – **REMOVED FROM THE AGENDA**
- 2.15 Approval of the Consent Agenda

Mayor Pro-Tem Ron Struble reviewed the items on the Consent Agenda with the Council. Following discussion, motion by Poynor, seconded by Behnken to approve the Consent Agenda as presented. Motion carried, all ayes.

Items Removed from the Consent Agenda

2.2 R-118-2016 Resolution Approving Bills

Motion by Stelken, seconded by Poynor to approve payment of bills that may incur a late fee if unpaid.
Motion carried, all ayes.

Public Hearing on the proposed five year lease agreement with Comelec Internet LLC for space on the City's water towers for internet equipment

Mayor Pro-Tem Ron Struble opened the Public Hearing at 5:09pm.

City Manager Vick informed the Council that the agreement has been amended to remove the 901 S 10th Street (Industrial Park) location in an effort to reduce any possible transmission interference with emergency service communications.

The Council discussed the agreement, had no concerns, and agreed internet connectivity is one of our greatest needs.

There being no public comments to be heard and no written comments on file, Mayor Pro-Tem Struble closed the Public Hearing at 5:12pm.

Motion by Behnken, seconded by Sherman to Adopt R-123-2016 Resolution Approving Communications Site Lease Agreement with Comelec Internet LLC. Motion carried, all ayes.

005-2016 ATV/UTV Ordinance, 2nd Consideration

City Attorney Peters reviewed the proposed ordinance with the Council, noting the words, “and Snowmobiles” had been struck from the Ordinance to clean up a clerical error. Motion by Sherman, seconded by Behnken to proceed with the second consideration and adoption of Ordinance 005-2016 An Ordinance Amending the Code of Ordinances for the City of Manchester by adding Chapter 75A – All-Terrain Vehicles. ON CALL OF ROLL: AYES: Sherman, Behnken, Stelken, Struble. NAYS: Poynor.

006-2016 An Ordinance Amending the Code of Ordinances for the City of Manchester, Iowa, by adopting a separate ordinance regulating the operation of Snowmobiles within the City

City Attorney Peters informed the Council that a separate ordinance specific to snowmobiles was necessary in order to clarify regulations specific to snowmobiles. Motion by Stelken, seconded by Sherman to proceed with the first consideration and adoption of Ordinance 006-2016 An Ordinance Amending the Code of Ordinances for the City of Manchester, Iowa, by adopting a separate ordinance regulating the operation of Snowmobiles within the City. ON CALL OF ROLL: AYES: Stelken, Sherman, Behnken, Struble. NAYS: Poynor.

R-124-2016 Resolution Approving Plat (Soggy Bottom Subdivision)

Motion by Behnken, seconded by Stelken to adopt R-124-2016 Resolution Approving Plat (Soggy Bottom Subdivision). Motion carried, all ayes.

R-125-2016 Resolution Amending Development Agreement with Norby Development LLC

Motion by Poynor, seconded by Behnken to adopt R-125-2016 Resolution Amending Development Agreement with Norby Development LLC. Motion carried, all ayes.

Reports

Ryan Wicks, Fehr Graham, updated the Council on construction projects in the City.

City Attorney Jim Peters updated the Council on the progress on the acquisition of the former Smitty's property.

City Manager Vick noted a faulty cache component resulted in the server malfunction at City Hall. Staff is working around the issues and are hoping to recover all files.

Closed Session

Motion by Stelken, seconded by Poynor to enter into Closed Session at 5:37pm pursuant to Iowa Code Section 21.5(1j) to discuss the acquisition of real estate. Motion carried, all ayes.

The Council returned to open session at 6:00pm.

Motion by Sherman, seconded by Behnken that the meeting adjourn at 6:03pm. Motion carried, all ayes.

Milt L. Kramer, Mayor

Attest:

Erin Learn, City Clerk