

City of Knoxville
Regular City Council Meeting
Monday, August 7, 2017 at 6:15 p.m.
Municipal Building Council Chambers

1. Call To Order

MEMBERS PRESENT:

Mayor Brian Hatch ____, Council Member Megan Suhr ____, Council Member Cal Stephens ____, Council Member James Lane ____, Council Member Rick Kingery

2. Citizen/Public Comments
Discussion

3. Consent Agenda

3.I. Approve City Council Minutes Of July 17, 2017

Documents:

[COUNCIL MINUTES 071717.DOCX](#)

3.II. Accept Airport Commission Minutes Of June 10, 2017

Documents:

[AIRPORT MINUTES 061017.PDF](#)

3.III. Accept Library Board Minutes Of July 19, 2017

Documents:

[LIBRARY MINUTES 071917.PDF](#)

3.IV. Accept Class C Liquor License For Peace Tree Brewing Company

3.V. Approve Special Class C Liquor License For Coriglianos Pizzeria

3.VI. Accept July 2017 CSO Report

Documents:

[CSO JULY 2017 MEMO.PDF](#)

4. Item Agenda

4.I. Public Hearing- Grand Theater Easement

- A. Open Hearing
- B. Filing of Affidavit of Publications- 07/28/2017
- C. Written Comments or Objections
- D. Oral Comments or Objections
- E. Close Hearing

4.I.i. Approve Resolution Authorizing The Transfer Of An Interest In Real Property By

Easement Following Public Hearing

Documents:

[RES 083117 AUTHORIZE WATER LINE EASEMENT.PDF](#)

4.II. Discussion/Possible Action On Loan Request From Low Rent Housing Board

Documents:

[HOUSING BOARD LETTER.PDF](#)

4.III. Approve Scheduling A Special Meeting Date Of August 14, 2017 At 9:00 A.m. For City Council Vacancy Interviews

4.IV. Approve Scheduling Of August 21, 2017 City Council Meeting Time To 5:00 P.m.

4.V. Approve Payment Of Claims

5. Reports

- A. Mayor's Report
- B. City Manager's Report

6. Adjourn

Motion _____ Second _____
Vote _____ Time _____

Jodi Bellon, City Clerk

COUNCIL MINUTES

July 17, 2017

The City Council of the City of Knoxville, Iowa convened in regular session Monday, July 17, 2017 at 6:15p.m. in the City Hall Council Chambers. Mayor Brian Hatch presided and the following Council Members were present: Megan Suhr, Cal Stephens, Rick Kingery and James Lane. Staffs present were City Manager Aaron Adams, Assistant City Manager Heather Ussery, City Clerk Jodi Bellon, City Attorney Bob Stuyvesant, Water Reclamation Superintendent Pat Murphy and Police Chief Dan Losada.

Mayor Hatch asked for Citizen/Public Comments regarding items not on the agenda. There were none.

Motion by Lane; seconded by Stephens to approve the consent agenda as follows, all ayes.

1. Approve City Council Minutes of June 29, 2017
2. Accept Parks and Recreation Commission Minutes of January 2017
3. Approve Class C Liquor License for Mi Casa Grande
4. Approve Class C Liquor License for Sprinters Sports Bar & Grill
5. Approve Class C Liquor License for Wal-Mart
6. Accept June CSO Report
7. Accept Police Department End of Year Budget Report
8. Approve June 2017 Financials

Motion by Lane; seconded by Suhr to accept resignation of Council Member Kelley, all ayes

Mayor Hatch thanked Council Member Kelley for all of his years of dedicated service to the City of Knoxville.

A discussion was had regarding the Council Vacancy. Mayor Hatch recommended appointing Dylan Morse since Council had just went through interviews in May and Dylan was the second runner up. Lane recommends taking applications again and interviewing to keep things fair. Stephens thinks we should just appoint Dylan Morse as well. Suhr advised that she was on board with either option. Council advised staff to publish notice in the paper for vacancy with application deadline of August 4th. Special Meeting to be scheduled for week of August 14th to conduct interviews.

Andy Burke from Snyder & Associates and Pat Murphy gave updates on the Montgomery Street Sewer Project. Motion by Lane; seconded by Kingery to approve change order # 1 for the Montgomery Street Sewer Replacement Project in the amount of \$4,208, all ayes. Motion by Suhr; seconded by Lane to approve partial payment #2 in the amount of \$225,631.65, all ayes.

Motion by Lane; seconded by Kingery to approve resolution approving contract, bonds and certificate of insurance for the 2017 Street Improvements Contract; all ayes.

Andy Burke with Snyder & Associates gave an update on the trails progress.

Casi Pearson, Theresa Mott and Katrina Nelson were present to discuss Thrive Knoxville and talk about their upcoming events. Motion by Lane; seconded by Suhr to approve the reallocation of Knoxville Living Funds, Lane, Suhr, Stephens, ayes. Kingery, nay.

Donna Flattery with Paws and Pals Dog Park discussed moving in to a new lease with the City and explained that they have established their 501(c)4 status. Bob Stuyvesant will draw up the lease agreement.

Motion by Lane; seconded by Suhr to approve resolution proposing the transfer of an interest in real property by easement, all ayes.

Motion by Lane; seconded by Stevens to approve listing city owned property at 705 S Seventh St in the amount of \$17,000, all ayes.

Motion by Lane; seconded by Stephens to approve payment of claims, all ayes.

| | | | |
|-------|--------------------------------|--------------------------------|-----------|
| 84386 | MARION COUNTY SHERIFF | GARNISHMENT | 150.69 |
| 84387 | AFLAC | AFLAC-ACC/PRE | 293.33 |
| 84388 | I.U.P.A.T. DC81 | UNION DUES | 830.49 |
| 84389 | COLLECTION SERVICES CENTER | CHILD SUPPORT | 1,430.76 |
| 84390 | ICMA RETIREMENT TRUST | ICMA | 1,973.27 |
| 84391 | KNOXVILLE FIRE & RESCUE ASSC | FIRE DUES | 61.44 |
| 84392 | COLONIAL LIFE | COLONIAL LIFE | 22.85 |
| 84393 | ACCO UNLIMITED CORPORATION | CL 430 GAL & ACID 140 GAL | 1,080.60 |
| 84394 | AHLERS AND COONEY PC | PROFESSIONAL SERVICES | 79.50 |
| 84395 | ARDENT LIGHTING LLC | LED LIGHTS FOR SHOP | 2,764.12 |
| 84396 | ATOMIC TERMITE & PEST CONTROL | MONTHLY PEST CONTROL | 160.04 |
| 84397 | AUGUST ENTERPRISES LLC | ASBESTOS REMOVAL-1346 138TH PL | 60.00 |
| 84398 | AXON ENTERPRISES INC | 6 TASERS, HOLSTERS, MISC ITEMS | 8,038.92 |
| 84399 | KEEPIPSAFE, INC.-LIVEVAULT | 90 DAY BACKUP | 154.71 |
| 84400 | BARCO MUNICIPAL PRODUCTS INC | STREET NAME SIGNS | 337.02 |
| 84401 | VANWALL EQUIPMENT | LAWN TRACTOR WITH MOWER DECK | 10,343.20 |
| 84402 | BINN'S & SONS TREE SERVICE LLC | TREE CLEAN UP-WASHINGTON/2ND | 1,025.00 |
| 84403 | BROWN'S SANITATION | 12 YD ROLL OFF | 1,003.63 |
| 84404 | BROWN'S SHOE FIT COMPANY | SAFETY SHOES-MARSHALL | 130.00 |
| 84405 | CANON FINANCIAL SERVICES INC. | MONTHLY COPIER CONTRACT | 85.74 |
| 84406 | CITY OF KNOXVILLE | RANDY PUYEAR PREMIUMS | 143.83 |
| 84407 | CITY OF WEST DES MOINES | STORAGE FOR 200 TON SALT | 1,000.00 |
| 84408 | CIVICPLUS | ANNUAL RENEWAL FEE | 6,536.24 |
| 84409 | COAST HARDWARE HANK | ITEMS FOR SHELTERHOUSES | 209.82 |
| 84410 | CREATIVE LANDSCAPING | 3 PROPERTIES MOWED | 170.00 |
| 84411 | DE BLOEMEN HOF | FERTILIZER | 15.98 |
| 84412 | EMPLOYEE BENEFIT SYSTEMS | SAFE-T FUND REQUEST | 4,076.41 |
| 84413 | EMS BILLING SERVICES | CHECKS RECEIVED | 1,210.80 |
| 84414 | ERIC WIENBERG EXCAVATING | DEMO HOUSE AT 1346 138TH PL | 5,800.00 |
| 84415 | FIRE RECOVERY EMS | JUNE RESCUE PAYMENTS | 2,638.36 |
| 84416 | HAWKEYE PAVING CORP | 2016 STREETS-PRJCT RETAINAGE | 7,500.00 |
| 84417 | BRIAN HOUSER | REIMBURSE-HEADLIGHT A936 | 9.60 |
| 84418 | IOWA CITY-COUNTY MANAGEMENT AS | IaCMA MEMBERSHIP-USSERY | 100.00 |
| 84419 | IOWA LAW ENFORCEMENT ACADEMY | DEFENSE TACTICS-HOW | 250.00 |
| 84420 | IOWA MUNICIPALITIES WORKERS' | WORK COMP PREMIUMS 17-18 | 77,120.00 |
| 84421 | JC CROSS CO | DIGESTER BLOWER W/MODIFICATION | 2,811.00 |
| 84422 | JEO CONSULTING GROUP, INC | COMP PLAN UPDATE | 3,797.50 |
| 84423 | KEYSTONE LABORATORIES INC | TESTING 5/24-6/14 | 1,342.70 |
| 84424 | JOEL KIMPSTON-BURKGREN | BOOTS REIMBURSEMENT | 85.00 |
| 84425 | KNIA KRLS INC | KNOXVILLE BASEBALL AD | 177.70 |
| 84426 | KNOXVILLE AVIATION | MONTHLY CONTRACTUAL SERVICES | 3,467.91 |

| | | | |
|----------|--------------------------------|--------------------------------|-----------|
| 84428 | KNOXVILLE FARM & HOME INC | STIHL SAFETY CHAPS | 917.01 |
| 84429 | KNOXVILLE VETERINARY CLINICPC | RABIES TESTING | 75.00 |
| 84430 | LISCO | MONTHLY INTERNET | 770.00 |
| 84431 | MAINSTAY SYSTEMS INC | IA MAINSTAY PC MAINTENANCE | 177.00 |
| 84432 | MATT MARSHALL | BIRTHDAY PARTY REFUND | 28.00 |
| 84433 | MARTIN MARIETTA MATERIALS | PEA GRAVEL | 14.80 |
| 84434 | MID-IOWA SOLID WASTE EQUIPMENT | GUTTER BROOMS AND PARTS | 488.05 |
| 84435 | MIDAMERICAN ENERGY COMPANY | 301 W RENO ST ST DEPT | 395.70 |
| 84436 | MINUTEMAN INC. | 2,000 PO BOOKS | 497.34 |
| 84437 | MOTOR INN OF KNOXVILLE | 2017 TAHOE REPAIRS | 99.74 |
| 84438 | CROSSROADS 5/92 NAPA | BRAKE REPAIRS | 88.75 |
| 84439 | NATIONAL PAPER & SAN SUPPLY | 10 LATEX GLOVES | 125.09 |
| 84440 | NORRIS ASPHALT PAVING INC | UPM USED FOR POT HOLES | 1,263.92 |
| 84441 | O'REILLY AUTOMOTIVE INC | MOTOR OIL & DEF | 71.04 |
| 84442 | OFFICE DEPOT | 2 CHAIRS | 477.95 |
| 84443 | OTTUMWA COURIER | ADVERTISING | 30.00 |
| 84444 | PLUMB SUPPLY COMPANY | KOHLER TOILET | 881.00 |
| 84445 | RACEWAY TIRE & EXHAUST | SERVICE-2016 IMPALA | 71.89 |
| 84446 | RAY O'HERRON CO INC. | AMMO | 200.00 |
| 84447 | RED ROCK ELECTRIC, LLC | ELECTRICAL WORK ON FRONT DOORS | 352.72 |
| 84448 | ROHRICHS TREE SERVICE | TREE REMOVAL-806 W JONES | 300.00 |
| 84449 | ROMAR | SLEDGE HAMMER | 76.55 |
| 84450 | K & L THOMPSON, LLC | 4 TIRES FOR SKID LOADER | 984.93 |
| 84451 | SOUTH CENTRAL IOWA | FLOWER CLEANUP | 14.80 |
| 84452 | SOUTHEASTERN EMERGENCY EQUIP | MEDICAL SUPPLIES | 925.97 |
| 84453 | TRAF-O-TERIA SYSTEM | 3,000 PARKING TICKETS | 451.16 |
| 84454 | TRUE VALUE HARDWARE INC. | 6' LADDER | 509.36 |
| 84455 | US CELLULAR | HOT SPOTS | 824.67 |
| 84456 | VERIZON | HOT SPOTS | 160.04 |
| 84458 | VISA | AIRFARE-THOMPSON | 3,732.24 |
| 13168708 | MASSMUTUAL | HARTFORD | 65.49 |
| 13168709 | IRS WITHHOLDING PAYMENTS | FED/FICA TAX | 25,448.16 |
| 13168710 | TOTAL ADMINISTRATIVE SERVICES | FLEX- MEDICAL | 843.03 |
| 13168712 | KNOXVILLE RECREATION CENTER | MONTHLY BANK CHARGES | 375.40 |
| 13168713 | TREASURER-STATE OF IOWA | SEWER SALES TAX | 6,429.00 |

Under Mayor's Report, Mayor Hatch thanks for the flags on July 4th, thanks to Chief Losada and Chief Mitchell for efforts on fireworks. County Fair is this week. Thanks to all who helped with the fire in Melcher. Reminder that Nationals is around the corner.

Under City Manager Report, City Manager Aaron Adams would like to have the council meeting earlier on August 21st to allow council to attend Will Bowen at 6:00 pm. Knoxville Leadership Academy is in September and all fifteen spots have been filled.

Police Chief Dan Losada stated that he came in over budget at 104% and would try to do better for next year.

Assistant City Manager Heather Ussery updated council on working with Andrew DeHaan from the County on getting an RFP ready for the new phone lines and wiring in City Hall.
Motion by Lane; seconded by Stephens to adjourn at 7:21 p.m., all ayes.

Brian Hatch, Mayor

ATTEST:

Jodi Bellon, City Clerk

KNOXVILLE AIRPORT COMMISSION – June 10, 2017

The Knoxville Airport Commission met in regular session on June 10, 2017, 7 a .m. with Airport Commission Chairman, Wayne Westberg presiding. Members present were Dixie Brown, Ella Crawford, Larry Smith, Loren Steenhoek and Airport Manager, Dan Van Deonselaar.

Wayne Westberg moved and Loren Steenhoek seconded a motion to waive reading and approval of the May 13, 2017 minutes. Motion carried.

Hangar Currency: The following are behind in their rent: Logan – 1 month; Leifert – 2 months; Loomis – 2 months; Martin – 1 month; and FTAC several years. Dixie Brown moved and Larry Smith seconded a motion to accept this report. Motion carried.

Airport Project List: Discussion only.

Update on Taxiway A and Apron Reconstruction Project: Mc Clure Engineering is closing these 2 projects. Wayne Westberg moved and Ella Crawford seconded a motion to approve final payment of \$18,964.70 to be released 31 days after closing. Motion carried.

Update on West Taxi Lane Reconstruction Project: Water is still draining into Hangar 28. Door pins need to be drilled also.

Claims: Loren Steenhoek moved and Dixie Brown seconded a motion approve the claims. Motion carried.

Airport Manager Report and Safety Checklist: Everything is in working order. Discussion only.

Wayne Westberg moved and Dixie Brown seconded a motion to adjourn at 7:51 a.m. Motion carried.

ATTEST:
Janet Westberg, Secretary

Wayne Westberg, Airport Commission Chairman

**Library Board of Trustees Meeting
July 19, 2017**

The Knoxville Public Library Board of Trustees met at the library on Wednesday, July 19, 2017 at 8:00 a.m. Members present were Jean McKay, Harv Sprafka, Scott Ziller, and Bob Leonard. Dave Garcia, Mary Lane, and Pat Wilson were absent.

The meeting was called to order by Harv Sprafka. Ziller moved, McKay seconded to approve the minutes of the June 21, 2017 meeting as mailed. Motion passed unanimously.

There was no correspondence.

Roslin gave the librarian's report for June 2017. It had been a busy month. Total circulation was 5,927 printed materials, 1,280 non-print materials, while electronic materials (Bridges and Freegal) numbered 666 items. Computer usage was 764 with a recorded use of wireless at 685. The meeting room and outreach service was 41 times for programming for all ages. Total attendance was 1,086; total number of visits was 6,190.

The library now offers two book club discussions and a teen book club. The conclusion of the Summer Reading Program will be celebrated with Outdoor Day today. Approximately 418 people registered for SRP. The sewer line replacement project in front of the library has affected the attendance at some programs somewhat but the library stays busy. Roslin reported on updates to electronic databases and the TLC website. Library staff will be present at the Back to School Bash on Aug. 2 at the high school. The city is offering a Knoxville Leadership Academy program where the library will be part of a tour on Sept. 12.

Under Media Strategy Plan, Roslin reported that the Friends group will have its book sale on Aug. 11 to be promoted.

McKay moved, Ziller seconded that the financial report for June be approved. Motion was unanimous. Ziller moved, seconded by McKay to approve the trust report for June. Motion passed unanimously. Ziller moved, McKay seconded the approval for payment of bills for July. Motion passed unanimously, and a copy is attached to the minutes.

Under Unfinished Business, Harv Sprafka reported on the Capital Campaign. Tyler Timko from Amperage will meet with the Steering Committee and volunteers next week for updates.

Under New Business, Roslin reported that the library will be helping with the Summer Feed program the week of July 31 – Aug. 3. Two volunteers are needed. She also mentioned that the district consultant, Maryann Mori, offered to conduct a county-wide trustee training. Roslin will contact the Pella Librarian, Wendy Street, to coordinate the training in mid-September. Bob Leonard spoke about the importance of having art in the library as the building project proceeded, whether as revolving displays or permanent exhibit. Scott Ziller will form a committee of interest.

There being no further business, the meeting was adjourned. The next regular meeting will be held Wednesday, August 16, 2017 at 8:00 AM at the Knoxville Public Library.

Roslin Thompson, secretary



Memo

To: City Council
From: Chief Dan Losada
Date: August 7, 2017
Re: July 2017 CSO Report

In July 2017, the Community Service Officer, Arlene Worrall spent 76 hours on Code Enforcement issues and 84 hours in the Police Department Records. Part Time CSO II, Randy Emal worked 60 hours this month and took a week of vacation. Together the CSOs worked on the following issues.

| | | |
|--------------------------------------|----|-------|
| Brush Pile | 0 | |
| Burning | 0 | |
| Debris Storage | 14 | |
| Junk Vehicle | 7 | |
| Mandatory Garbage Collection | | 1 |
| Parking in Yard | 1 | |
| Nuisance Structure | | 5 |
| Refuse | 7 | |
| Roll Off Dumpster | | 3 |
| Tree down | 1 | |
| Vegetation Height | 6 | |
| Citations Issued | 0 | |
| Court Dates | 0 | |
| Parking Citations | 59 | |
| Properties Inspected | 0 | |
| Property Owners /Residents Contacted | 30 | |
| Work Hired Out | | 6 mow |

RESOLUTION AUTHORIZING THE TRANSFER OF AN INTEREST IN REAL PROPERTY BY EASEMENT
FOLLOWING THE PUBLIC HEARING

BE IT ENACTED RESOLVED by the Council of the City of Knoxville, Iowa:

On behalf of the City of Knoxville, Iowa, the Mayor shall enter into an easement agreement with the Grand Theater Foundation for the following real property, legally described as follows:

A ten (10) foot easement, the centerline of which is a four (4) foot water line running West across the one hundred seventy two (172) feet from Third Street, along the North 5 feet of the Knoxville Public Library property to a point where it turns at a ninety (90) degree angle and proceeds approximately sixteen (16) feet to the Grand Theater building.

for the sum of one dollar (\$1.00) and other good and valuable consideration. Action on this Resolution shall be final upon the signing and recording of the easement by the City Clerk, and such fact noted on the official record of this Resolution.

Brian J. Hatch, MAYOR

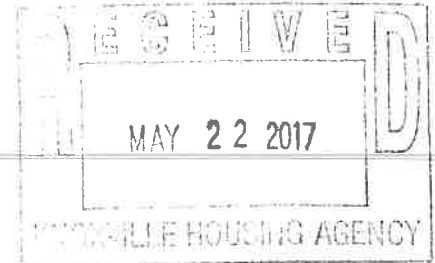
ATTEST:

Heather Ussery, CITY CLERK



May 17, 2017

Low Rent Housing Agency of Knoxville
305 S 3rd St 50138
Knoxville, IA



RE: Money Damages Owed to Your Housing Authority

Dear Executive Director:

As you may have heard, we achieved a successful outcome in a lawsuit challenging the operating reserve offset that Congress and HUD imposed on your 2012 operating subsidies. In a decision handed down on January 18, 2017, the United States Court of Federal Claims (Claims Court) held that the operating reserve offset was a breach of the Annual Contributions Contract between HUD and Public Housing Agencies.

The Claims Court found that the 2012 appropriation for operating subsidies should have been prorated for all housing authorities. The Claims Court agreed with us that any HA that received operating subsidies that were less than 81.04 percent of its eligibility amount was entitled to money damages equal to the difference. **In this lawsuit, 309 housing authority plaintiffs were awarded a total of over \$135 million.**

You are among a large number of HAs who would have been entitled to money damages if you had joined the lawsuit. **The total amount of money damages for you and the other HAs that did not participate in the lawsuit is over \$230 million.** All this money will be lost if a second lawsuit is not filed before November 18, 2017, which is the end of the six-year statute of limitations period for the filing of a breach of contract lawsuit against the United States. To avoid this, we are advising you of your legal option to participate in a second lawsuit against HUD. The estimated amount of money damages you are eligible to receive, based on the Claims Court's January 18 decision, is \$22985

As we did for the first lawsuit, PHADA and NAHRO will administer a second lawsuit in order for HAs, like yours, to have the opportunity to obtain the money damages to which you are entitled. As with the first lawsuit, the Washington, D.C. law firm of Coan and Lyons will manage the litigation and provide necessary legal services. That law firm developed the strategy, and represented the HAs that were the plaintiffs, in the first lawsuit that we won. PHADA and NAHRO will not be parties to the second lawsuit. We will not benefit in any way from the result of the second lawsuit, as we similarly will not benefit from the result of the first lawsuit. PHADA and NAHRO's role in this second lawsuit is solely advisory and administrative. Additionally we cannot guarantee you will receive money damages since there is a possibility that HUD might appeal the Claims Court decision and win that appeal.

We do not know yet whether HUD will appeal the January 18 decision to the United States Court of Appeals for the Federal Circuit, the court to which appeals from the Claims Court are made. We will let you know as soon as we know. Meanwhile, time is short. If you want to file suit to receive money damages, you should obtain board approval to participate in the second lawsuit and identify the **non-federal funds** you can use to pay legal fees as soon as possible. Even if HUD appeals the decision, you will still need to participate in a lawsuit filed before November 18, 2017, to receive the money damages to which you are entitled for HUD's breach of your ACC.

The fee for small HAs (less than 250 units) is \$1,000. The fee for HAs with 250 or more units is \$3,000. These amounts include a \$400 filing fee the Claims Court is expected to charge each plaintiff. These fees were determined, in part, by the costs incurred in the first lawsuit. Again, **the money used to pay for the legal fees must come from non-federal funds.**

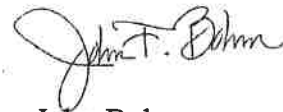
If you wish to participate in this lawsuit, please so indicate in a **signed letter, showing the full formal name of your agency, the name of a contact person with that person's email address and phone number**, and include a check made out to "Operating Reserves Litigation" for the requisite amount. Send the payment to: PHADA 511 Capitol Court NE Washington DC 20002. **The submission deadline is August 15, 2017.**

If you have questions, please email them to ccoan@coanlyons.com and raykjames@comcast.net. Thank you.

Sincerely,



Timothy G. Kaiser
PHADA Executive Director



John Bohm
NAHRO Acting CEO