

City of Charles City

Agenda

Special Meeting

1. Meeting Date And Time

- A. 1. Meeting Date And Time – April 15, 2020 6:00 P.m. Note: Council Members Will Be Utilizing Zoom.com To Attend The Meeting Remotely. Mayor And Staff Will Be Participating Via Computer In The Council Chambers. Public Can Attend In Person And Listen To The Meeting Discussion While Complying With The 6' Social Distance Protocol Or They Can Attend The Meeting On Their Own Computer Via Zoom.com: Meeting ID 787 065 8066 Phone Number To Call To Participate Via Telephone: 312-626-6799

2. Call To Order

3. Consider Approval Of The Agenda

4. Mayor's Comments

5. Consider Resolution No. 70-20 Approving Payment Of Pay Estimates #5 And #6 For Portzen Construction

Discussion

Motion

Documents:

[20200414181554.PDF](#)

6. Consider Resolution No. 71-20 Accepting Deed For Property At 808 N. Main

Discussion

Motion

Documents:

[20200414181633.PDF](#)

7. Consider Resolution No. 72-20 Approving Purchase Of Property At 806 N. Grand

Discussion

Motion

Documents:

[RES 72-20.DOC](#)

8. Adjournment

AGENDA ITEM SUMMARY

Subject: Consider Resolution 70-20 approving Payment Request No. 5 and 6 for work completed to date on the WRRF Project

Recommendation: Approve Resolution No. 70-20

Background Summary:

The suspension of work on the Water Resource Recovery Facility (WRRF) continues, but Portzen Construction continues to process deliveries and is storing material for the project when construction proceeds. Fox Engineering is negotiating with Portzen Construction regarding compensation for the work suspension.

Payment requests 5 and 6 are for costs incurred during February and March respectively. The costs are mainly for stored materials with some minor project management. Payment requests 5 and 6 have been submitted for review and approval. The amount of request 5 is \$443,512.72 and request 6 is \$293,571.53 for a total payment request is \$737,084.25. Fox Engineering has reviewed the payment requests and is recommending approval of the payments.

We recommend approval of Resolution 70-20 for Pay Estimate No. 5 and 6 for the WRRF Project.

RESOLUTION NO. 70-20

RESOLUTION APPROVING PAY ESTIMATE #5 AND #6 FOR WATER RESOURCE RECOVERY FACILITY PROJECT

WHEREAS, the City of Charles City, Iowa has previously approved a contract with Portzen Construction for the water resource recovery facility project, and

WHEREAS, Portzen has submitted pay estimate #5 for this project for \$443,512.72 and #6 for \$293,571.53, and;

WHEREAS, Fox Engineering has reviewed these pay estimates and is recommending payment of the amounts,

NOW, THEREFORE, BE IT RESOLVED by the City Council of Charles City, meeting in special session on this 15th day of April, 2020, that pay estimate #5 and #6 submitted by Portzen Construction in the amounts of \$443,512.72 and \$293,571.53 respectively for the water resource recovery project are hereby approved for payment.

COUNCIL MEMBER _____ moved the adoption of the foregoing Resolution;

COUNCIL MEMBER _____ seconded the motion to adopt, and on roll call the voting was as follows:

AYES: _____

NAYS: _____

Passed and approved this 15th day of April, 2020.

Dean Andrews, Mayor

Attest:

Trudy O'Donnell, City Clerk

RESOLUTION NO. 71-210

RESOLUTION APPROVING AND ACCEPTING DEED

WHEREAS, the City of Charles City, Iowa (the City) has entered into a purchase agreement with Calvin Shultz, a married person (the Owner), for the purchase of a certain parcel of real estate locally known as 808 N. Main Street, Charles City, Iowa; and

WHEREAS, a Warranty Deed has been prepared and provided by the Owner to the City pursuant to the terms of an Option Agreement between the City and the Owner; and

WHEREAS, it is in the best interests of the City of Charles City to accept this Warranty Deed and the accompanying transfer documents;

NOW, THEREFORE, BE IT RESOLVED that the Warranty Deed and accompanying transfer documents given by Calvin Shultz and Debra Shultz to the City of Charles City, Iowa, pursuant to an Option Agreement between the parties, be and are hereby approved and accepted. BE IT FURTHER RESOLVED that the Mayor and Clerk are directed and authorized to execute such documents, and to record such documents with the Floyd County Recorder, as are necessary to complete this transaction.

Council Member _____ moved adoption of the foregoing Resolution; Council Member _____ seconded the motion to adopt. On roll call, the voting was as follows:

Ayes: _____

Nays: _____

Passed and approved this ____ day of April, 2020.

Dean Andrews, Mayor

Attest:

Trudy O'Donnell, City Clerk

CTRL #

C O Y Y Y Y M M # # # # #



REAL ESTATE TRANSFER - DECLARATION OF VALUE

Please read the instructions comprised in form 57-011 before completing and filing this form.

Part I - TO BE COMPLETED BY BUYER, SELLER OR AGENT

Date of Instrument (MMDDYYYY)

Enter the number matching your selection in the box at the end of the line: Deed (1) Contract (2) **1**

Seller: Calvin Shultz and Deborah Shultz

Phone Number: (641) 330-4392

Seller Address: 2557 Woodland Place

City: Charles City

State: Iowa

ZIP: 50616

email:

Buyer: City of Charles City

Phone Number: 641-257-6300

Buyer Address: 105 Milwaukee Mall, Suite 2

City: Charles City

State: Iowa

ZIP: 50616

email:

Address of Property Conveyed: 808 N. Main Street

City: Charles City

State: Iowa

ZIP: 50616

Legal Description: Lots Nine (9) and Ten (10), Block 141, Lane's Addition to St. Charles, now incorporated as Charles City, Iowa

Enter the number corresponding to your selection in the box at the end of the line, if applicable.

Type of Sale: Sale between related parties/family (1); Sale of partial interest (2); Trade (3); Quit Claim Deed (4); Auction (5)

Was this a sale of agricultural land to: Corporation (1); Trust (2); Alien (3); Non-resident Alien (4); Limited Partnership (5)

DECLARATION OF VALUE STATEMENT

1. Total Amount Paid.....	1 7 0 , 0 0 0 .00
2. Amount Paid for Personal Property00
3. Amount Paid for Real Property.....	1 7 0 , 0 0 0 .00

I hereby declare that the information contained in Part I of this form is true and correct.

Printed Name:

Phone Number:

Signature:

Buyer

or Seller

or Agent

or Attorney

Part II - TO BE COMPLETED BY THE ASSESSOR

Assessed values must be as of January 1 of the year in which the sale occurred.

SECTION A: SINGLE CLASSIFICATION

Primary Classification: Residential (4); Commercial (5); Industrial (2); Agricultural (1); Multi-residential (7)

City/Township:

Occupancy:

Primary Parcel Number:

Year Built:

Class	Land	Building	Dwelling
Res	.00	.00	.00
Com	.00	.00	
Ind	.00	.00	
Ag	.00	.00	.00
MultiRes	.00	.00	.00

Subtotal00

SECTION B: DUAL CLASSIFICATION

Primary Classification: Commercial (5); Industrial (2); Multi-residential (7)

City/Township:

Occupancy:

Primary Parcel Number:

Year Built:

Class	Land	Building	Dwelling
Com	.00	.00	
Ind	.00	.00	
MultiRes	.00	.00	.00

Subtotal00

Total: Add Subtotal amounts from Sections A and B00

Enter amount from line 3, page 100

Ratio: Divide Total amount by the amount on line 3, page 1 %

NUTC

Jurisdiction

Comments:

REAL ESTATE TRANSFER - GROUNDWATER HAZARD STATEMENT
TO BE COMPLETED BY TRANSFEROR

TRANSFEROR:

Name Calvin Shultz and Deborah Shultz
Address 2557 Woodland Place, Charles City, IA 50616
Number and Street or RR City, Town or P.O. State Zip

TRANSFeree:

Name City of Charles City
Address 105 Milwaukee Mall, Suite 2, Charles City, IA 50616
Number and Street or RR City, Town or P.O. State Zip

Address of Property Transferred:
808 N. Main Street, Charles City, IA 50616
Number and Street or RR City, Town or P.O. State Zip

Legal Description of Property: (Attach if necessary) Lots Nine (9) and Ten (10), Block 141, Lane's Addition to St. Charles, now incorporated as Charles City, Iowa

1. Wells (check one)

- There are no known wells situated on this property.
- There is a well or wells situated on this property. The type(s), location(s) and legal status are stated below or set forth on an attached separate sheet, as necessary.

2. Solid Waste Disposal (check one)

- There is no known solid waste disposal site on this property.
- There is a solid waste disposal site on this property and information related thereto is provided in Attachment #1, attached to this document.

3. Hazardous Wastes (check one)

- There is no known hazardous waste on this property.
- There is hazardous waste on this property and information related thereto is provided in Attachment #1, attached to this document.

4. Underground Storage Tanks (check one)

- There are no known underground storage tanks on this property. (Note exclusions such as small farm and residential motor fuel tanks, most heating oil tanks, cisterns and septic tanks, in instructions.)
- There is an underground storage tank on this property. The type(s), size(s) and any known substance(s) contained are listed below or on an attached separate sheet, as necessary.

5. Private Burial Site (check one)

- There are no known private burial sites on this property.
- There is a private burial site on this property. The location(s) of the site(s) and known identifying information of the decedent(s) is stated below or on an attached separate sheet, as necessary.

6. Private Sewage Disposal System (check one)

- All buildings on this property are served by a public or semi-public sewage disposal system.
- This transaction does not involve the transfer of any building which has or is required by law to have a sewage disposal system.
- There is a building served by private sewage disposal system on this property or a building without any lawful sewage disposal system. A certified inspector's report is attached which documents the condition of the private sewage disposal system and whether any modifications are required to conform to standards adopted by the Department of Natural Resources. A certified inspection report must be accompanied by this form when recording.
- There is a building served by private sewage disposal system on this property. Weather or other temporary physical conditions prevent the certified inspection of the private sewage disposal system from being conducted. The buyer has executed a binding acknowledgment with the county board of health to conduct a certified inspection of the private sewage disposal system at the earliest practicable time and to be responsible for any required modifications to the private sewage disposal system as identified by the certified inspection. A copy of the binding acknowledgment is attached to this form.
- There is a building served by private sewage disposal system on this property. The buyer has executed a binding acknowledgment with the county board of health to install a new private sewage disposal system on this property within an agreed upon time period. A copy of the binding acknowledgment is provided with this form.
- There is a building served by private sewage disposal system on this property. The building to which the sewage disposal system is connected will be demolished without being occupied. The buyer has executed a binding acknowledgment with the county board of health to demolish the building within an agreed upon time period. A copy of the binding acknowledgment is provided with this form. [Exemption #9]
- This property is exempt from the private sewage disposal inspection requirements pursuant to the following exemption [Note: for exemption #9 use prior check box]: _____.
- The private sewage disposal system has been installed within the past two years pursuant to permit number _____.

Information required by statements checked above should be provided here or on separate sheets attached hereto:

I HEREBY DECLARE THAT I HAVE REVIEWED THE INSTRUCTIONS FOR THIS FORM AND THAT THE INFORMATION STATED ABOVE IS TRUE AND CORRECT.

Signature: _____ Telephone No.: (641) 330-4392
(Transferor or Agent)



INVOICE

Invoice # 5856
Date: 03/25/2020
Due On: 04/24/2020

Prichard Law Office, PC

PO Box 454
Charles City, IA 50616
United States
Phone: (641) 228-4500

Parson Real Estate

04267-Parson Real Estate-RE - Shultz, Calvin & Deborah

RE - Shultz, Calvin & Deborah

Date	Timekeeper	Notes	Quantity	Rate	Total
03/25/2020	LD	Prepare Deed, Dec, and Gwh	1.00	\$100.00	\$100.00
				Subtotal	\$100.00
				Total	\$100.00

Detailed Statement of Account

Current Invoice

Invoice Number	Due On	Amount Due	Payments Received	Balance Due	
5856	04/24/2020	\$100.00	\$0.00	\$100.00	
				Outstanding Balance	\$100.00
				Total Amount Outstanding	\$100.00

Please make all amounts payable to: Prichard Law Office, PC

LAW OFFICES
NOAH, SMITH, SCHUKNECHT & SLOTER, P.L.C.

CYNTHIA SCHUKNECHT
BRAD SLOTER
RALPH SMITH (OF COUNSEL)

RETIRED
JAMES F. SMITH

KEITH S. NOAH (1920-2007)

200 NORTH JOHNSON STREET
CHARLES CITY, IOWA 50816
TELEPHONE 641-228-4533
FAX 641-228-5748
EMAIL: ralph@nsslaw.net
cindi@nsslaw.net
brads@nsslaw.net

NORA SPRINGS OFFICE
FIRST SECURITY BANK BUILDING
BY APPOINTMENT

March 24, 2020

PRELIMINARY TITLE OPINION

City of Charles City
Attn: Steve Diers and Trudy O'Donnell
105 Milwaukee Mall, Suite 2
Charles City, IA 50616
steven.diers@cityofcharlescity.org
trudy@cityofcharlescity.org

Prichard Law Office
todd@prichardlawoffice.com
leah@prichardlawoffice.com

Parson Real Estate
connie@parsonrealestate.com
karol@parsonrealestate.com

IN RE: BUYER: CITY OF CHARLES CITY, IOWA
 LENDER: N/A
 PROPERTY: 808 NORTH MAIN STREET
 CHARLES CITY, IA 50616
 SELLERS: CALVIN SHULTZ AND DEBORAH SHULTZ

DESCRIPTION: Lots Nine (9) and Ten (10), Block 141, Lane's Addition to St. Charles, now incorporated as Charles City, Iowa

TITLEHOLDER: SHULTZ

I have examined an abstract of title containing 114 entries, last certified at 8:00 a.m. on February 26, 2020, as Abstract No. 10142-41116 of Iowa Title & Realty Company, and have found record title to the above-described real estate (herein called "the property") to be held by

CALVIN SHULTZ

under Quit Claim Deed dated August 6, 1979, filed September 7, 1979 in Book "81" TLD 52-55 in the office of the Floyd County Recorder; under Quit Claim Deed dated September 17, 1979, filed June 25, 1980 in Book "82" TLD 40-43 in the office of the Floyd County Recorder; and under Quit Claim Deed dated July 21, 1981, filed September 15, 1981 in Book 83 T.L.D., Page 127 in the office of the Floyd County Recorder. The abstract shows marketable title in fee simple free from material objections, except as follow:

1. REAL ESTATE TAXES. Entry No. 113 of the abstract shows that the current taxes are paid in full. Parcel No. 110143500100.

Arrangements should be made between buyer and seller to pay and/or prorate the taxes which will be levied for the current fiscal year.

2. NO UNPAID ASSESSMENTS. Entry No. 114 of the abstract shows that there are no special assessments indexed in the office of the County Treasurer.

3. MORTGAGE LIENS. Entry No. 105 of the abstract shows an open-end mortgage from Calvin G. Shultz and Deborah E. Shultz, husband and wife, to C US Bank dated February 28, 2006, filed March 3, 2006 as Inst. No. 2006-0464 in the office of the Floyd County Recorder to secure an indebtedness of \$40,000. This mortgage must be released or satisfied and the release or satisfaction shown on the abstract, unless title is taken subject to the mortgage, in which case you should ascertain from the mortgagee the total amount secured by the mortgage which must be paid to obtain clear title.

4. EASEMENTS, COVENANTS, ORDINANCES AND OTHER MATTERS AFFECTING USE OF PROPERTY.

- a. Entry Nos. 1 and 2 show a plat of Lane's Addition filed December 29, 1864 in Town Lot Deed Book C, page 355 in the office of the Floyd County Recorder, a copy of which is attached hereto for your reference.
- b. Entry No. 34 of the abstract shows that a zoning ordinance which may restrict the use of the property has been adopted by the City of Charles City, Iowa. This ordinance classifies the property as part of a B-3 Service Business Residence District. A complete copy of this ordinance is on file in the office of the City Clerk.
- c. Entry No. 63 of the abstract shows that the property is subject to the Flood Plain Management Ordinances Nos. 669 and 714 of the City of Charles City, Iowa, dated January 17, 1980, and filed January 18, 1980, in Book 21 Misc., Page 105.
- d. Entry No. 80 of the abstract shows a survey filed May 21, 1981 in Book 3 T.L.P., Page 30A in the office of the Floyd County Recorder, a copy of which is attached hereto for your reference.
- e. Entry No. 81 of the abstract shows a Statement and Notice filed by the Floyd Soil Conservation District in Book 23 Misc., Page 441, stating that the property is subject to the Soil Conservation Practice refund. This examiner cannot tell from an examination of the abstract if this instrument affects the title to the property under examination. You should familiarize yourself with this instrument.

You should familiarize yourself with the foregoing ordinances and documents in order to understand what restrictions and limitations may pertain to your use of the property.

5. DESCRIPTION ISSUES, GAPS IN TITLE, AND OTHER MATTERS THAT AFFECT THE QUALITY OF TITLE. None.

6. GENERAL ADMONITIONS AND EXPLANATION OF MATTERS THAT MAY AFFECT TITLE OR USE OF THE PROPERTY AND THAT ARE NOT DISCLOSED IN THE ABSTRACT OF TITLE.

Some potential title exceptions cannot be determined by examination of an abstract. Liens, judgments, mortgages and other documents or proceedings which might affect the title to the property, filed or recorded after the time of the last certification of the abstract, would not be shown. In order to be certain that there are no such documents or proceedings, you may have the abstracter or your attorney do a last-minute title search on the day of the closing.

In addition to this abstract examination, you should see that an on-site examination of the property is made. You should determine whether any solid wastes, hazardous substances, pollutants, above or below ground storage tanks, drainage wells, water wells, landfill sites or other environmentally regulated conditions exist on the property. Such conditions are not ordinarily shown in the abstract, but they may result in injunctions, fines, required cleanup, or other remedial actions under federal, state or local laws. These laws may impose liens against the property and personal liability against the owner, even though the owner did nothing to create the condition, and acquired the property without knowing about it.

During that examination, you should also determine whether there is a third party in possession. Property is sold subject to the rights of persons, other than the titleholder, actually in possession. You should also determine if there have been recent improvements made to the property. Claims for material and labor in connection with improvements made within the last 90 days could become liens against the property by the filing of a mechanics lien. If there have been recent improvements, you should be sure that all bills and costs in connection with them have been paid. Also, you should check for unrecorded easements for utilities, driveways or other public or private uses.

Bankruptcy proceedings can affect the ownership rights of a titleholder or other party having an interest in this real property. Such proceedings do not appear in the records of the county courthouse and, therefore, will not appear in the abstract of title. Inquiry should be made to determine whether any person in the chain of title has filed for relief under the bankruptcy laws.

Local ordinances and regulations may restrict the right to use and build on the property. Access to and from highways may be limited by government designations of controlled access facilities.

The accuracy of lot area and boundary lines cannot be determined by examining the abstract. To locate boundaries and measure lot size accurately, the property must be surveyed by a qualified surveyor.

Be certain that any deed accepted from the present titleholder is in proper form and has the correct amount of transfer stamps attached.

Respectfully submitted,



Brad Slotter
NOAH, SMITH, SCHUKNECHT & SLOTER, P.L.C.
Iowa Title Guaranty Number: 10449

Survey and Plat of
Parcel Number AS-21
Disaster Redevelopment Project Iowa R-36C
Charles City, Floyd Co., Iowa

10.

LANE ST.



ST.

MAIN

ST.

WISCONSIN

RICHINGS

ST.

LEGEND

Parcel Boundary
Set T bar with cap

Scale
1"=50'

I hereby certify that this SURVEY and PLAT was made by me under my direct personal supervision and that I am a duly registered Land Surveyor under the laws of the State of Iowa.

Walter D. Blessing
Walter D. Blessing L.S.

BOOK 3 PAGE 30B
Nov. 15, 1974
Iowa Reg. No. 7033



PROFESSIONAL ENGINEERS

LAND SURVEYORS

West Union Independence
Cedar Falls

Project No. 7033

Book No. Page

RESOLUTION NO. 72-20

RESOLUTION APPROVING OFFER TO ACQUIRE REAL ESTATE

WHEREAS, the City of Charles City, Iowa (the City) has engaged in negotiations with Joseph E. Brennan, Sr., as Personal Representative of the Estate of Joseph E. Brennan, Jr. (the Owner) for the purchase of 806 N. Grand, Charles City, Iowa, the acquisition of which is desirable to the City for the purpose of abating nuisance conditions; and

WHEREAS, the City and Owner have tentatively reached an agreement for the sale and purchase of the parcel of real estate on the terms set forth in a written Offer for Real Estate, which is subject to approval by the City Council; and

WHEREAS, it is in the best interests of the City to enter into such Offer For Real Estate in order to facilitate acquisition of the property.

NOW, THEREFORE, BE IT RESOLVED:

That the Offer for Real Estate between the City of Charles City and the Owner be and is hereby approved, and the City Administrator's execution of the document on behalf of the City is approved, confirmed, and ratified.

Council Member _____ moved adoption of the foregoing Resolution; Council Member _____ seconded the motion to adopt. On roll call, the voting was as follows:

Ayes: _____

Nays: _____

Passed and approved this _____ day of _____, 2020.

Dean Andrews, Mayor

Attest:

Trudy O'Donnell, City Clerk