

COUNCIL PROCEEDINGS
SEPTEMBER 16, 2020

Charles City city council met in a planning session on September 16, 2020 at 6:00 p.m. via Zoom due to the COVID-19 pandemic. Mayor Dean Andrews presided and the following council members were present: Jerry Joerger, DeLaine Freeseaman, Phoebe Pittman and Phillip Knighten. Keith Starr was absent. Also present were city administrator Steve Diers, city engineer John Fallis and city attorney Brad Sloter.

Mayor Andrews commented that the city hall parking lot still looks good so it shouldn't need to be cleaned again. Trick or treating was discussed and it was decided to give guidelines to participants to be safe and if a resident wants to distribute candy, they should have their light on. If not, then they should leave their lights off.

Amending the employment contracts with the city administrator and city clerk was discussed. City attorney Sloter stated that the council was in favor of compensation for extra duties when the evaluations were conducted for these employees. Ahlers and Cooney are recommending an amendment to the employment contracts and designate it as extraordinary pay. Council member Knighten wanted to be sure that this would be fair and wouldn't short them. Sloter replied that council could authorize more pay later if more hours were put in. Council decided to go with the percentage discussed at evaluations, which was 60%. Sloter will prepare the amendments for council action at the next regular meeting.

An ordinance has been drafted to match changes in the state code pertaining to penalties for misdemeanors. The fee will be increased to \$855 to match what is in the state code. This will be on the next regular agenda for a first reading.

An ordinance has also been drafted pertaining to animal neglect which will also match changes made in the state code for this charge. This new ordinance will also expand and clarify these types of offenses. This will be on the next regular agenda for a first reading.

City engineer John Fallis reviewed a recommended change order for the HMA paving project. This change order would add work to be done on two railroad crossings in town which are owned by Farmer's Feed and Grain but are to be maintained by CP railroad. The railroad has been telling us for quite some time that they plan to fix these crossings but haven't yet. Farmer's Feed and Grain has told us we can pave over the crossings but they want to be able to re install the tracks in the future if they choose. The city has Heartland Asphalt in town working on our HMA project and we can add the railroad crossing work to that contract for \$25,000. Attorney Sloter stated that the city can pass a resolution directing the railroad to repair the crossings by a certain date and if they don't, we can do the work and assess it to them. But since the railroad doesn't pay taxes, we would have to send a bill to them for reimbursement. They wouldn't have to pay it and we would then be stuck paying for it. Council member Freeseaman asked if the rails will be taken out prior to putting down asphalt and Fallis replied no, they would overlay over the tracks. We have gotten so many complaints on these crossings, council felt it needed to be done even if the railroad didn't reimburse us. Mayor Andrews has been talking to the railroad about the train depot and mentioned these tracks. He commented to them it might be good media relations if they fix this crossing. Heartland Asphalt will be here next week and our next regular meeting after this Monday isn't until October so that will be too late. Some concern raised that we should at least try to go through the motions of directing the railroad to fix the tracks and then proceeding with repairing them ourselves if they fail to do so. Council asked for more information before voting on this change order at the September 21 regular meeting. This will be on the agenda and if council has enough information they can vote. If not, this item could be put on the September 28 special meeting. Council member Joerger and Attorney Sloter left the meeting at this time.

City engineer Fallis reviewed a proposed change order for the Main Street Bridge project. The contractor, Jasper Construction, has discovered that the cracks listed in the plans and specs have opened wider considerably so the epoxy injection method they planned to use won't work. They will now need to increase the amount of area for concrete repair. Calhoun Burns, who prepared the plans, is recommending concrete reinforced wall instead. Estimated cost for this is \$88,000 but there would then be three bid items we won't need which would be a reduction of about \$60,000. So the actual estimated cost for this change order would be an increase of about \$28,000. Another item to consider changing is the removal of old lighting that was meant to light up the dam. These lights aren't really effective and if we wanted to light the dam, we should replace these lights with LED. The cost quoted to remove the old lighting is \$3200. Council thought this was a little high and asked if we could just leave the old lighting there and remove it if and when we decide to install new lighting for the dam. Consensus was to leave the light removal off of the change order and do the other changes discussed.

We have received a couple of proposals to conduct a goal setting session with city council and city department heads. One was from Pat Callahan, who did our last session. He is currently working on the city's capital improvement plan. The other quote was from Elizabeth Hanson. Her quote was about \$850 higher than Pat's. Her quote included two days of sessions to give more time for input. City administrator Diers thinks that a fresh set of eyes might be a good thing for this session, so is recommending going with Elizabeth's proposal. They have selected November 9 for the session with the council. Council member Freeseaman requested that the information submitted from the department heads be given to the council so they can see what goals they have ahead of time.

Diers reported that the water tower is being painted, the logo will be painted on next week. We will start on union negotiations in November. The telecom board of trustees approve the extra \$200,000 loan at their meeting last night, they wanted to express their appreciation to the council for working with them on this project. They also approved the agreement with the CPA firm for review of the business plan and also the agreement with Dorsey Whitney for preparation of the bond documents. We plan to close on the financing for this fiber project in November. Today was the first day of the virtual League conference. Diers is working on a power point presentation he will present with MidAmerican at their conference. City engineer Fallis reported that they have started the wood turtle fence today at the Charley Western bridge project.

There being no further business, meeting was adjourned.

Dean Andrews, Mayor

Attest:

Trudy O'Donnell, City Clerk

COUNCIL MINUTES
SEPTEMBER 21, 2020
REGULAR SESSION

Charles City city council met in regular session on September 21, 2020 at 6:00 p.m. remotely via Zoom.com. Mayor Dean Andrews presided and the following council members were present: Keith Starr, Jerry Joerger, DeLaine Freeseaman, Phoebe Pittman and Phillip Knighten. Also present were city administrator Steve Diers, city engineer, John Fallis and city attorney, Brad Sloter.

Citizens Comments – none.

Mayor Andrews welcomed everyone to the meeting.

Motion by Freeseaman, second by Joerger to approve the agenda. Ayes-5

Motion by Joerger, second by Pittman to approve the minutes of the September 8, 2020 meeting.
Ayes-5

Motion by Joerger, second Starr to approve the consent calendar. Ayes-5. Consent calendar consisted of the following: approve 8/20 financial for the city of Charles City and CC Public Employees Health Plan, approve excavation bond for Randall Construction, and payment of claims (including those approved by other boards).

Motion by Freeseaman, second by Starr to reappoint Marta Fisher to library board and appoint Cheryl Nootnagel and Coulter Page to replace Mike Brummond and Angel McKenzie. Ayes-5

Motion by Joerger, second by Pittman to appoint Lisa Soifer to the broadband commission. Ayes-5.

Mayor said information has been sent out to the council, Charles City Press, and KCHA in regards to Halloween. Information will also be placed on the city's Facebook page.

Mayor Andrews opened the hearing on the Gilbert Street lift station. Affidavit of publication dated 8/18/20 was informally filed. Mayor Andrews asked for written comments. There being none, he then asked for oral comments. There were none. Motion by Joerger, second by Freeseaman to close the hearing. Ayes-5. Replacement of the Chautauqua Sewer Lift Station was included in the second part of the WRRF project. Lance Aldrich from Fox Engineering was present to answer any questions regarding the lift station. Lance stated the estimated cost of the project to be \$230,000. They looked at several different locations and determined that building the lift station next to the old one was the best location. A map was presented to show the council when the lift station would be located. Environmental review has been completed. Floodplain development permit has been obtained. The overall reason for the project was to increase capacity for flows coming into the area. When asked how much the capacity would increase, Aldrich stated it was twice the capacity of the old station. Aldrich said another benefit to rebuilding the lift station was that it was able to be built above the 100' floodplain level.

Mayor Andrews opened the hearing on the Loan and Disbursement Agreement for issuance and securing payment of \$14,575,000 Taxable Sewer Revenue Bonds, Series 2020. Affidavit of publication dated 9/15/2020 was informally filed. Mayor Andrews asked for written comments. There being none, he then asked for oral comments. There were none. Motion by Joerger, second by Pittman to close the hearing. Ayes-5. This loan is for the current Water Resource Recovery project. We are borrowing a total of \$17,475,000. The revenue-based loan amount will be \$14,475,000 and the additional \$3,000,000 will be serviced by G.O. debt service. The \$3,000,000 has all ready been approved at a previous meeting. At the current time we have spent approximately \$4,400,000. A list of the payment schedule was presented to the council. There was an additional \$405,000 in funding needed due the additional garbage that needed to be hauled as well as additional fill needed. Council member Freeseaman introduced Resolution 161-20 entitled, "RESOLUTION AUTHORIZING AND APPROVING A LOAN DISBURSEMENT AGREEMENT AND PROVIDING FOR THE ISSUANCE AND SECURING THE PAYMENT OF \$14,575,000 TAXABLE SEWER REVENUE BONDS, SERIES 2020" and moved for adoption. Second to adopt Pittman. Resolution passed on roll call vote as follows: Ayes-Freeseaman, Pittman, Knighten, Starr and Joerger. Nays-none

City Engineer, John Fallis, explained that work is continuing on the Water Resource Recovery Facility. A Pay estimate #11 has been submitted in the amount of \$652,090.46. The costs included in this estimate are for construction work on the oxidation ditch, equalization basin and reed beds. Fox Engineering has reviewed the payment request. Council member Joerger introduced Resolution 162-20 entitled, "RESOLUTION APPROVING PAY ESTIMATE #11 FOR WATER RESOURCE RECOVERY FACILITY PROJECT" and moved for adoption. Second to adopt Freeseaman. Resolution duly passed on roll call vote as follows: Ayes-Pittman, Knighten, Starr, Joerger and Freeseaman. Nays-none.

City Attorney, Brad Slotter, explained that the State has updated their State Code pertaining to the standard penalty for violations. They have increased the amount of a fine to at least one hundred and five dollars to a maximum of eight hundred and fifty-five dollars. We would like to amend our ordinances to match the state code. Motion by Starr, second by Joerger to approve the first reading of Ordinance 1147 AN ORDINANCE AMENDING THE CHARLES CITY CODE OF ORDINANCES CHAPTER 1, SECTION 1.14 – STANDARD PENALTY, BY AMENDING THE PROVISIONS PERTAINING TO THE STANDARD PENALTY FOR VIOLATIONS. Ayes-5. Council member Starr read the ordinance.

City Attorney, Brad Slotter, explained that the State has also updated the State Code pertaining to animal neglect. An amended ordinance is needed to update our City Ordinance to mirror the State code. Motion by Freeseaman, second by Starr to approve the first reading of Ordinance 1148 AN ORDINANCE AMENDING THE CHARLES CITY CODE OF ORDINANCES CHAPTER 55, SECTION 55.02, BY AMENDING THE PROVISIONS PERTAINING TO ANIMAL NEGLECT. Ayes-5. Council member Freeseaman read the ordinance.

City Attorney, Brad Slotter, explained that there have been a few discussions about providing extra pay for the city administrator and city clerk for the extra work that has been done by them on getting the telecom up and running. Mike Galloway, the city's employment law attorney, recommended an amendment to the employment contracts for the additional pay. The calculated amount of extraordinary duty pay for the city clerk is in the amount of \$1,762.20. This is for the time period of December 2019 through September 2020. The additional pay is not contingent upon the city's receipt of the reimbursement from the telecom. Council member Joerger introduced Resolution 163-20 entitled, "AMENDMENT TO EMPLOYMENT AGREEMENT" and moved for adoption. Second to adopt Knighten. Motion duly passed on roll call vote as follows: Ayes-Joerger, Freeseaman, Pittman, Knighten and Starr. Nays-none.

City Administrator, Steve Diers, calculated amount of extraordinary duty pay is \$16,065. This covers the time period from December 2019 through September 2020. This pay is not contingent upon receipt of the reimbursement from the telecom. Council member Freeseaman introduced Resolution 164-20 entitled, "AMENDMENT TO EMPLOYMENT AGREEMENT" and moved for adoption. Second to adopt Starr. Resolution duly passed on roll call vote as follows: Ayes: Freeseaman, Pittman, Knighten, Starr, Joerger. Nays—none.

Jasper Construction Services is the general contractor for the Main Street Bridge Project. John Fallis, city engineer, explained that since the survey had been done the area to be repaired has sustained more damage. Calhoun Burns has designed a repair consisting of a structural wall or "jacket" tied to and added to the outside edge of the northwest wing wall to securely repair the wall. The increased cost to add the structural wall is \$28,450. Council member Starr introduced Resolution 165-20 entitled, "RESOLUTION APPROVING CHANGE/EXTRA WORK ORDER FOR THE 2020 MAIN STREET BRIDGE REPAIR PROJECT, CHARLES CITY, IOWA" and moved for adoption. Second to adopt Freeseaman. Resolution duly passed on roll call vote as follows: Ayes- Pittman, Knighten, Starr, Joerger, Freeseaman. Nays-none.

The Floyd/Mitchell/Chickasaw Landfill has discussed with the city staff concerning the disposal of leachate material into our wastewater facility. An agreement has drawn up for the council's approval. Council member Joerger said he had met with a couple of the landfill board members and there are a few items they would like to discuss before finalizing the agreement. For that reason, no action was taken on this item.

The City has received permission to place an asphalt surface over the existing unused railroad tracks at North Grand and E Street. Farmers Feed and Grain, who owns the rails, is in agreement as well. Heartland Asphalt would be able to perform this construction as a change order to the 2020 HMA Paving Project at a cost of \$25,000. City engineer, John Fallis, has talked to some counties and cities who have used this method. He has also talked to the Asphalt Paving Association of Iowa's field engineer. The entities said they expect to receive 15 years of performance out of the crossing pavement. The representatives that John talked to also implied that their agencies funded this work and did not receive compensation from the respective railroads. Heartland Asphalt has assured that they can accomplish this extra work. If the council moves ahead with this change order, we will invoice the Canadian Pacific Railway the extra costs incurred by the City. Using this option does not give us time to use the assessment process. Council member Knighten asked Fallis if being this close to the cold weather would affect the quality of the pavement. Fallis stated that weather is still good to lay asphalt. If the weather did change the contractor would have to follow the SUDAS standards for laying asphalt. Council member Freeseaman asked if there was any merit in finding out if Farmer's Feed and Grain has any interest in using those tracks in the future. Fallis related that he had spoken to Steve Eastman about the tracks. Eastman indicated that someday they would like to use the tracks again but at this time it is not cost effective to do so. Sloter said that there is a provision in the code that if Farmers Feed and Grain make an improvement to those rails that the council can require them to bring it up to grade. There was a discussion about the crossing signals and the required distance from the first rail. The question became if the rails are covered up with asphalt does that change the placement of the signals. Knighten asked if there was anyway to get clarification on the placement of the signals. Knighten expressed concerns on there being a lot of unanswered questions about this process. Sloter did say that he had a contact for the legal counsel of Canadian Pacific Railway and he could draft a letter to that contact person to see if he could get something back in writing in regards to the signal placement. Council member Joerger introduced Resolution 167-20 entitled, "RESOLUTION APPROVING CHANGE/EXTRA

WORK ORDER FOR THE 2020 HMA PAVING PROJECT, CHARLES CITY, IOWA” and moved for adoption. Second to adopt Pittman. Resolution duly passed on roll call vote as follows: Ayes-Starr, Joerger, Freeseaman, Pittman. Nays-Knighten.

Steve Diers reminded the council that he has sent out the new goal setting worksheet. Goal setting session is set for November 9th at 5 p.m. Department heads goal setting session will be held on October 23rd. Mayor asked if the meetings would be held off site. Diers said he would check into what sites are available. He also said the water tower painting is complete. Community has been asking a lot about Spring Cleanup. At this time there are still some concerns about Covid. He stated it may be better off to wait until next spring. He told the council if any of them had concerns with this to contact him and there could be further discussion. Mark Hotlkamp project will be coming up for discussion in the next month or so regarding the development agreement. Staff will be looking at a module from gworks to add to our software to handle the building permitting process more efficiently.

Motion by Freeseaman, second by Joerger to adjourn. Ayes-5.

Dean Andrews, Mayor

Attest:

Virginia Titus, Deputy Clerk