

COUNCIL PROCEEDINGS
FEBRUARY 10, 2021

Charles City city council met in a planning session on February 10, 2021 at 6:00 p.m. via Zoom due to the COVID-19 pandemic. 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 and city engineer John Fallis.

Mayor Andrews reported that he has met with the Floyd County public health department and Floyd County will be receiving more doses of the COVID vaccine. Citizens are to use online signup to get on the list. HyVee will also be getting vaccine.

Discussion held on the recently approved reserved parking agreement with Hoover Properties for 7 spaces in the parking lot behind the law offices of Eggert, Erb and Ellingson law office. Some local business owners were present to voice their concern over this agreement. Those present were Bryan Elsbury, Jay Jung, Lanie Sanvig and Nate Skuster. They think council is setting a precedent with this agreement. They would also like to see Main Street remain more a retail environment and realizes that we can't tell any building owner to rent to. They realize also that parking has always been a first come first served basis and have lived with that. But they didn't think the council would approve this agreement and that is why they weren't at the meeting where this was passed. They want to know if the council will approve this same type of agreement with other Main Street businesses. If the council can't reverse this decision, they would like to have a requirement that those 7 Federal vehicles only park in those seven spots and don't take up spots for other customers. They are all very disappointed with the council's decision on this agreement. The Chamber was asked to gather feedback from the Main Street businesses on this item and most felt this was a bad precedent. A couple were in favor, stating that an increase in activity downtown is a good thing. Council member Joerger stated that this decision was not arrived at quickly. He felt this lot is not utilized very much and that this is a special circumstance so is not setting a precedent. Council member Starr thanked the business owners for attending tonight. He feels this parking is not for customers and it is actually freeing up more customer parking in the lot behind this business. Council member Freeseaman also thanked the businesses for coming forward. He stated that the original request included a reserved space for this business's customers with trailers and he was not in favor of that. This final agreement was the best solution. Council member Knighten agreed that this decision was not made lightly and there was a lot of discussion. Council member Pittman commented that she, too, was not in favor of the original request for spots in the parking lot right behind their business. The spots they are reserving are very underused and not desirable for other customers and businesses. Mayor Andrews stated that we are charging the same rent for these spots as what we charge HyVee and Theisen's for their cart corrals. City attorney Slotter advised that after the three year term of this agreement is up, we can void it if council wants. The addendum to this agreement is on the next council agenda for action.

The sewer agreement with Tony Lessin has been revised and is being submitted to council for their review. Per city ordinance, any connection to the city sewer system from a resident outside city limits requires council approval. Lessins had requested that a 10 year moratorium on annexation of the area be included in the agreement. They agreed that after this moratorium, they would agree to a voluntary annexation upon request of the city. City attorney Slotter also added a clause that designated the City as their power of attorney to sign voluntary annexation documents in the event they or their successors declined to voluntarily annex upon request of the city. Lessin's were not agreeable to this power of attorney clause. City staff had also recommended that language be included that stated Lessins will be responsible for cleaning and clearing any plugging of the city sewer main that may occur due to flows from their service line. Staff had also discussed establishing a 10 year tax abatement program for the city portion of the property taxes if the annexation was done voluntarily. Lessins were not agreeable to annexing at this time. Council member Joerger felt it was important to leave the annexation clause in the agreement. City staff's position is that annexation is the proper and correct way to extend municipal sewer services. City attorney asked Lessin if he was interested in the agreement with the annexation language and he replied no. This agreement will be presented as drafted to the council at their next regular meeting for action.

Fire chief Eric Whipple was present to discuss the replacement of the overhead doors at the fire station. This had been discussed at a previous meeting but Chief Whipple was asked for more clarification on some of the items quoted from each vendor. He submitted a spreadsheet that gave comparisons and updated quotes. Whipple has had some interest from a private party to take the old doors. The quotes had included removal of the old doors and Double Z had stated they would reduce their quote by \$280 if

the doors were removed by someone else. Not much difference between the quotes as far as R factor or warranties. Chief Whipple is recommending accepting the quote from Double Z Construction for the replacement of 9 doors for \$31,511. This item will be on the next regular agenda for council action.

A storm sewer project has been identified near the intersection of Grove Street and Illinois. This area serves to access the Sherman Nursery property, which has been purchased by Paul Rottinghaus. There currently are no storm sewer mains here and the storm water has been flowing and washing out the embankment of Sherman Creek. Staff is recommending installing storms sewer mains here and also installing a guard rail since this embankment is quite steep. Cost estimate for this project is \$135,000 and SEH would do the design for it for a lump sum of \$9800. This project will not do anything with the private bridge that is there but it will alleviate the damage currently be caused to the bridge by the storm water overflow there. Council member Freeseaman asked how doing this project would affect the other storm water projects that also need to be done, we want to be fair. City administrator Diers replied that this project was talked about 4 years ago and that this bridge is the only access in to this property. To make the property viable, we need to address this water issue. This agreement will be on the next regular meeting for action.

The city has contracted with Popp Excavating for the demolition of the house at 806 N. Grand that the city acquired. The city just purchased a property at 312 15th Avenue and would like to add the demolition of that house to the contract with Popp. Popp has given us a quote of \$11550 for this additional demo. This will be done by a change order. We have re-estimated the FY21 budget to include both of these items.

Change order #4 needs to be approved for the WRRF project. The following items are included in this change order: deduct \$3500 to not install select piping systems, add \$11437.65 for raw pump control, add \$13715.10 for equalization pump control system and add \$70271.25 for imported material for clay liner for a total increase of \$91,924.00. This item will be on the next regular meeting for action.

Tyler Mitchell, park and rec director, is requesting the purchase of a rough mower for the golf course. The current one is getting quite old and it's getting difficult to find parts for it. There is currently \$40,000 in the park and rec purchase reserve and he would like to use those funds. Quotes were received and Mitchell is recommending the purchase of a 2018 JD mower for \$30,000 from Van Wall Equipment. This item will be on the next regular agenda for council action.

Water superintendent Cory Spieker has received quotes for the lighting of the water tower on Corporate Drive. MUSCO lighting has submitted quotes for both regular lighting and color changing lighting. The quote for regular lighting is \$13700 and the quote for color changing is \$28000. Both options will need some electrical work done and the quote from Perry Novak for that is \$17,500. The color option allows us to turn the lights on and off whenever we want and change the colors. The regular lighting option will have a photo cell that will control the on and off from dusk to dawn and on cloudy days. The color option would be similar to the system that is at the high school. Council member Starr stated that our water tower is really like a big advertising sign and the colors would draw more attention to it. The city of Altoona charges for people to pick what color they want to be on. Council consensus was that having the color option would help differentiate us and also give some community pride. This will be on the next regular council meeting for action. The clear well topic will be on an upcoming planning agenda for discussion.

City administrator Diers reported that the budget is being finalized. The levy is looking to be lower than our current levy by a few cents. Still looking at a possible increase in the sewer rates. He attended a trail visioning session today. Discussed an IEDA grant for rural innovation. Council member Freeseaman asked if we had started considering going back to live council meetings anytime soon, his internet connection is terrible at times. Mayor Andrews stated that if more vaccines are administered in the county that we can look at that.

Being no further business, meeting was adjourned.

Dean Andrews, Mayor

Attest:

Trudy O'Donnell, city clerk

COUNCIL MINUTES
REGULAR SESSION
FEBRUARY 16, 2021

Charles City city council met in regular session on February 16, 2021 at 6:00 p.m. via Zoom due to the COVID-19 pandemic. Mayor Dean Andrews presided and the following council members were present: Keith Starr, Jerry Joerger, DeLaine Freeseeman, Phoebe Pittman and Phillip Knighten. Also present were city administrator Steve Diers, city engineer John Fallis and city attorney Brad Slotter.

Citizen comments – none

Mayor Andrews welcomed everyone to the meeting.

Motion by Freeseeman, second Starr to approve the agenda. Ayes – 5

Motion by Joerger, second Starr to approve the minutes of the February 1 and 3 meetings. Ayes – 5

Motion by Joerger, second Pittman to approve the consent calendar. Ayes – 5. Consent calendar consisted of the following: approve 01/21 financials for city of Charles City and CC Public Employees Health plan, approve filing the following liens for unpaid utility bills - \$155.14Acct5032540004, \$901.78Acct5007230003, \$453.39Acct5022060006, \$855.79Acct5011460008, \$255.16Acct5006490002, \$174.73Acct5013490004, \$37.31Acct5013050000, \$131.21Acct5009890001, approve change in ownership for Dollar General Store #2414, approve Class LE liquor license for Rush Stop and payment of claims (including those approved by other boards):

A request has been received from the Rotary Club for a car show to be held Saturday, July 10 at Central Park. They are requesting that the following streets be closed from 8:00 a.m. to 3:00 p.m. : Blunt St from N Main to N Jackson, N. Jackson from Blunt St to Clark Street and Kelly St from N. Main st about halfway to N. Johnson. This will be part of the Christmas in July event. Motion by Joerger, second Pittman to approve the request. Ayes – 5

A request has been received by the resident at 107 Central Avenue to waive the \$40 sidewalk shoveling bill she has been charged. City staff reported that all but 4 sidewalks in the city were shoveled by residents for this particular snow event. This resident stated she got the notice to shovel and called that night to have someone clear it off. The next day, the city had it shoveled the next day so she didn't have time to have it removed. Council asked if we had someone that would be cheaper on these charges. Mayor Andrews replied that the city does not want to be in the snow shoveling business. Motion by Joerger, second Freeseeman to leave the charge stand. Council member Knighten asked if the tag that is hung gives a deadline for the snow to be removed and police chief Hugh Anderson replied no, it just says the sidewalk is in violation and the snow has to be removed. Discussion on how to best notify the public on this ordinance. Vote was as follows: Ayes – Joerger, Pittman, Starr. Nays – Freeseeman, Knighten.

Mayor Andrews opened the public hearing on the maximum levy for FY22. Affidavit of publication dated 2/5/21 was informally filed. Mayor asked for written comments. There being none, he then asked for oral comments. There were none. Motion by Starr, second Joerger to close the hearing. Ayes – 5. This maximum levy consists of the following levies: \$8.10 general levy, transit levy, liability/property/self-insurance levy, emergency management levy, emergency levy, police/fire retirement levy, FICA/IPERS levy and other employee benefits levy. If this levy increases more than 2% from the previous year, the budget will need to be approved by a super majority. Council member Freeseeman introduced Resolution 15-21 entitled, "RESOLUTION APPROVING THE MAXIMUM TAX DOLLARS FROM CERTAIN LEVIES FOR THE CITY'S PROPOSED FISCAL YEAR 2021-2022 BUDGET" and moved for adoption. Second to adopt Starr. Resolution duly passed on roll call vote as follows: Ayes – Starr, Joerger, Freeseeman, Pittman, Knighten. Nays – none.

An addendum needs to be added to the reserved parking lease that was approved at the last meeting. There will be a \$350/year rent for the parking spots identified in the lease. This is the same amount charged to HyVee and Theisen's for their cart corrals that are in the city parking lot at their stores. Council member Joerger introduced Resolution 16-21 entitled, "RESOLUTION APPROVING ADDENDUM TO LEASE AGREEMENT" and moved for adoption. Second to adopt Starr. Resolution duly passed on roll call vote as follows: Ayes – Starr, Joerger, Freeseeman, Pittman, Knighten. Nays – none

The sewer agreement for Tony Lessin has been discussed previously. The original agreement was changed to put in the terms that Tony is requesting, such as no annexation for 10 years and deleting the power of attorney clause. Staff is still recommending that the city only extend sewer service through annexation. City attorney Slotter stated that according to city code, an extension of sewer to properties outside of city limits require approval of a written agreement. Motion by Joerger, second Pittman to deny the extension of sanitary sewer to Tony Lessin's property. Ayes – 5

The lighting of the water tower on Corporate Drive has been discussed previously. We have two quotes from MUSCO lighting: one for regular lighting of \$13,700 and one for color changing lighting for \$28,000. Both options will require some additional electrical work to be done and the quote for that from Perry Novak is \$17,500. The color option allows us to turn the lights on and off as we want whereas the regular lighting operates on a photo cell so it will go on and off automatically. This system is like the one MUSCO installed at the school and water superintendent Cory Spieker talked to them about it. They really like it, it's easy to operate and MUSCO has excellent customer service if they do have problems. Question on if residents in the area will have any issues with the lighting and there is only one resident close to this tower and it shouldn't be a problem. Council thinks that this is like a big billboard advertising for the city and that the color option would draw more attention. Council member Freeseaman introduced Resolution 17-21 entitled, "RESOLUTION APPROVING LIGHTING FOR THE CORPORATE DRIVE WATER TOWER" and moved for adoption. Second to adopt Pittman. Resolution duly passed on roll call vote as follows: Ayes – Starr, Joerger, Freeseaman, Pittman, Knighten. Nays – none.

Park and rec director Tyler Mitchell has presented a request to purchase a rough mower for the golf course. He has received several quotes and would like to purchase a 2018 JD mower for \$30,000 from Van Wall Equipment. They tested it last fall and were very happy with it's condition and how it operated. Council member Freeseaman asked if there was a warranty and Mitchell replied he thinks there is a 5 year warranty. Council member Freeseaman introduced Resolution 18-21 entitled, "RESOLUTION APPROVING PURCHASE OF MOWER" and moved for adoption. Second to adopt Starr. Resolution duly passed on roll call vote as follows: Ayes – Starr, Joerger, Freeseaman, Pittman, Knighten. Nays – none.

The 28E agreement between public housing and Iowa Department of Inspections and Appeals for assistance with fraud investigations for the Section 8 program is up for renewal. This agreement is unchanged from last year and it has proved very beneficial to the housing department. Council member Joerger introduced Resolution 19-21 entitled, "RESOLUTION APPROVING RENEWAL OF THE AGREEMENT BETWEEN IOWA DEPARTMENT OF INSPECTIONS AND APPEALS AND CHARLES CITY HOUSING AND REDEVELOPMENT AUTHORITY" and moved for adoption. Second to adopt Starr. Resolution duly passed on roll call vote as follows: Ayes – Starr, Joerger, Freeseaman, Pittman, Knighten. Nays – none

Fire chief Eric Whipple is recommending that the overhead doors at the fire station be replaced. They are over 30 years old. He has received several quotes for this project and is recommending accepting the quote from Double Z Construction for \$31,511. The original quote was for 10 doors but one door will not be replaced due to the upcoming remodel for the ambulance bay so the quote was adjusted for that. This project is included in the current year budget. Council member Joerger introduced Resolution 20-21 entitled, "RESOLUTION APPROVING QUOTE FOR OVERHEAD DOORS AT THE FIRE STATION" and moved for adoption. Second to adopt Starr. Resolution duly passed on roll call vote as follows: Ayes – Starr, Joerger, Freeseaman, Pittman, Knighten. Nays – none.

The budget is finalized for FY22 and a public hearing needs to be held. The levy will be going down from \$16.02 to \$15.98. Items that drove most of the costs are the CW Bridge, remodel of the fire station to accommodate the ambulance, donations to TLC and depot projects, ambulance payment and funding for remodel costs at the 401 N. Main building. The levy decreased for transit due to the federal government paying for bus driver salaries due to COVID-19. Budgets are due to the state by March 31. The public hearing has been set for March 1. Council member Joerger introduced Resolution 21-21 entitled, "RESOLUTION SETTING DATE FOR PUBLIC HEARING ON THE FY22 BUDGET" and moved for adoption. Second to adopt Freeseaman. Resolution duly passed on roll call vote as follows: Ayes – Starr, Joerger, Freeseaman, Pittman, Knighten. Nays – none.

An agreement with SEH has been drafted for the storm water project near the intersection of Grove St and Illinois Street. Bailey Nurseries had hired an engineer to analyze two bridges that access the nursery property there and they discovered that there was severe erosion on the embankment near one bridge.

This is caused by the overflow of storm water there from the street since there is inadequate storm sewer in this area. The new owner of this property, Paul Rottinghaus, has agreed to pay \$15,000 toward this proposed storm sewer project. The project involves reconstructing Grove Street, add storm sewer to discharge flow directly into Sherman Creed, rebuild the street embankment and place new guardrails. Estimated cost of the project is \$135,000 and SEH is proposing a lump sum of \$9800 to design it. Council member Freeseaman asked if there were other storm sewer projects that have been waiting to be done and should be considered first. City administrator Diers replied that we've know about this issue on Grove Street for quite some time and now it needs to be done. Mayor Andrews commented that since it is our street water causing the issue with their bridge, we should correct it. Council member Joerger introduced Resolution 22-21 entitled, "RESOLUTION APPROVING ENGINEERING SERVICES AGREEMENT WITH SEH FOR THE GROVE STREET PROJECT, CHARLES CITY, IOWA" and moved for adoption. Second to adopt Freeseaman. Resolution duly passed on roll call vote as follows: Ayes – Starr, Joerger, Freeseaman, Pittman, Knighten. Nays – none.

Change order #3 for the WRRF project has been prepared for council consideration. This is in regard to the 90 day work stoppage that occurred on this project. Numerous negotiations have been held on this issue and an amount of \$260,323.36 has been determined for damages incurred by Portzen Construction. City attorney Slotter stated that the contract states that certain damages will be paid due to stoppage. He has reviewed all the documents and is recommending approval of this agreement. Council member Freeseaman introduced Resolution 23-21 entitled, "RESOLUTION APPROVING MUTUAL RELEASE AND SETTLEMENT AGREEMENT WITH FOX ENGINEERING AND PORTZEN CONSTRUCTION" and moved for adoption. Second to adopt Starr. Resolution duly passed on roll call vote as follows: Ayes – Starr, Joerger, Freeseaman, Pittman, Knighten. Nays – none.

An agreement has been drafted with Fox Engineering for the \$260,323.36 of damages the city will pay to Portzen for the work stoppage. This agreement states that Fox Engineering will reimburse the city for this payment. Council member Starr introduced Resolution 24-21 entitled, "RESOLUTION APPROVING MUTUAL RELEASE AND SETTLEMENT AGREEMENT WITH FOX ENGINEERING" and moved for adoption. Second to adopt Freeseaman. Resolution duly passed on roll call vote as follows: Ayes – Starr, Joerger, Freeseaman, Pittman, Knighten. Nays – none.

Change order #3 for the WRRF is an increase of \$260,323.36 for the payment to Portzen for damages caused by the work stoppage. Council member Joerger introduced Resolution 25-21 entitled, "RESOLUTION APPROVING CHANGE/EXTRA WORK ORDER #3 FOR WATER RESOURCE AND RECOVERY FACILITY PROJECT, CHARLES CITY, IOWA" and moved for adoption. Second to adopt Starr. Resolution duly passed on roll call vote as follows: Ayes – Starr, Joerger, Freeseaman, Pittman, Knighten. Nays – none.

Change order #4 for the WRRF has been prepared for changes made to the contract items as follows: deduct \$3500 for restrained joints, add \$11437.65 for raw pump PLC control, add \$13,715.10 for equalization pump control system and add \$70,271.25 for imported material for EQ clay liner for a net total increase to the contract of \$91,924.00. Fox Engineering has reviewed this change order and is recommending approval. Council member Starr introduced Resolution 26-21 entitled, "RESOLUTION APPROVING CHANGE/EXTRA WORK ORDER #4 FOR WATER RESOURCE AND RECOVERY FACILITY PROJECT, CHARLES CITY, IOWA" and moved for adoption. Second to adopt Freeseaman. Resolution duly passed on roll call vote as follows: Ayes – Starr, Joerger, Freeseaman, Pittman, Knighten. Nays – none.

Pay estimate #16 for the WRRF project in the amount of \$710,805.07 has been submitted by Portzen Construction. Fox Engineering has reviewed this request and is recommending approval. Council member Joerger introduced Resolution 27-21 entitled, "RESOLUTION APPROVING PAY ESTIMATE #16 FOR WATER RESOURCE RECOVERY FACILITY PROJECT" and moved for adoption. Second to adopt Freeseaman. Resolution duly passed on roll call vote as follows: Ayes – Starr, Joerger, Freeseaman, Pittman, Knighten. Nays – none.

Popp Excavating was previously awarded a bid to demolish the structure at 806 N. Grand owned by the city. The city has recently purchased another property with a structure that needs to be demolished and would like to add this to the contract with Popp Excavating. Popp has given a quote of \$11,250 for the additional demolition. Council member Joerger introduced Resolution 28-21 entitled, "RESOLUTION APPROVING CHANGE/EXTRA WORK ORDER FOR 2021 HOUSING DEMOLITION PROJECT, CHARLES CITY, IOWA" and moved for adoption. Second to adopt Starr. Resolution duly passed on roll call vote as follows: Ayes – Starr, Joerger, Freeseaman, Pittman, Knighten. Nays – none.

City clerk O'Donnell reported that the next meeting will be a planning session on February 22 starting at 6:00 p.m.

City administrator Diers shared a copy of the new water bills being sent via email. We have about 25 people signed up for this. The library is working on their strategic plan. This Friday, staff will be consulting with our IT company and the school's IT person to work on going live with the city council meetings but still retain the Zoom function.

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

Dean Andrews, Mayor

Attest:

Trudy O'Donnell, City Clerk