

COUNCIL MINUTES
REGULAR SESSION
APRIL 5, 2021

Charles City city council met in regular session April 5, 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, city engineer John Fallis and city attorney Brad Sloter.

Citizen comments – none

Mayor Andrews welcomed everyone to the meeting.

Motion by Freeseaman, second Pittman to approve the agenda. Ayes – 5

Motion by Joerger, second Starr to approve the minutes of the March 15 meeting. Ayes – 5

Motion by Joerger, second Freeseaman to approve the consent calendar. Ayes – 5 Consent calendar consisted of the following items: renewal of Class C beer permit w/ Sunday Sales for KwikStar #419, renewal of Class E liquor license w/ Sunday Sales for Casey's #2480, approve filing the following liens for snow removal-\$46.96 507 N. Johnson, \$46.96 401 Richings, \$46.96 900 Spriggs, \$40.00 609 1st Avenue and payment of claims (including those approved by other boards):

A proclamation for Child Abuse Prevention month has been submitted for council approval. Motion by Freeseaman, second Joerger to approve this proclamation. Ayes – 5. Mayor Andrews read the proclamation.

A request for street closures for the 2021 downtown farmer's markets has been submitted by Community Development director Mark Wicks. The request is the same as last year with a couple of exceptions. For July 3, the parking lot behind the Chamber will be used on that day due to July 4 events. They will follow the state recommendations for social distancing, having hand sanitizer available at vendor booths and they will be asking that people wear masks. And on July 10, the Chamber parking lot will also be used due to an event occurring in Central Park that day. The street requested to be closed is Blunt Street from North Main to North Jackson starting at 2:30 p.m. on Wednesdays and 8:00 a.m. on Saturdays. Streets will be re-opened at 6:30 p.m. on Wednesdays and 12:30 p.m. on Saturdays. Dates will run from May 1 to October 16. Motion by Freeseaman, second Starr to approve this street closure request. Ayes – 5

Mayor Andrews opened the public hearing on Ordinance 1151 AMENDING SECTION XXII, OFF-STREET LOADING AND PARKING, OF THE CHARLES CITY ZONING ORDINANCE TO MODIFY THE DESIGN STANDARDS AND REQUIREMENTS FOR THE SURFACING OF OFF-STREET PARKING AND LOADING AREAS. Affidavit of publication dated 3/23/21 was informally filed. Mayor Andrews 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. City engineer Fallis then shared the diagram showing the areas of a parking lot that would require paving and the areas where aggregate surface would be allowed. City attorney Slotter stated that for the first reading of this ordinance, an incorrect diagram was attached. This does not preclude us from moving forward with the second reading of this ordinance. Mayor Andrews asked if a list of arterial streets will be included since this ordinance pertains to only arterial streets. City engineer Fallis replied that a map will be included of the streets

covered by this ordinance. It was also stated that existing lots are grandfathered in and will only be required to abide by this new ordinance if a change of use occurs. It was also noted that we have several parking lots in town who have been granted a waiver from the requirements will be required to abide by this new ordinance when their waivers expire.

Motion by Starr, second Pittman to approve the second reading of Ordinance 1151. Ayes – Starr, Joerger, Pittman, Knighten. Nays – Freeseaman. Councilmember Starr read the ordinance.

A lease of a portion of the city parking lot in front of Theisen's for their annual garden center has been submitted for council consideration. The area is the same as prior years and will run from April 15 to June 30. Monthly rate will be \$250/month, which includes electricity. Council member Joerger introduced Resolution 44-21 entitled, "RESOLUTION APPROVING A LEASE AGREEMENT BETWEEN THEISEN'S AND THE CITY OF CHARLES CITY FOR USE OF PUBLIC PARKING LOT" 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.

Terry Wegner would like to rent the small parcel of farmland near the city's wastewater plant as he has done in previous years. Due to the new wastewater plant expansion, this area has grown smaller and is down to approximately 7 acres. Due to the uncertainty of the progress of the plant project, no lease was done last year. This new lease would be for a one year period and once the wastewater plant project is done, he would like to do a longer lease, possibly 5 years. Wegner has offered to clear out some of the trees growing in this area to increase the amount of farmland, so this is something the council can discuss when the longer lease is discussed next year. Council member Starr noted that the ability to take back the land shouldn't be tied to the plant expansion project. Attorney Slotter stated that the language is broad enough that would give us the ability to take back the property under other circumstances. Council member Starr also commented on the section that allows the burying of solid waste, such as animal carcasses. He questioned whether the city would want to allow that. Slotter stated that the council can approve the lease tonight with that change to not allow the burying of animal carcasses and he will make that change prior to the lease being executed. City administrator Diers stated that Wegner would like to possibly plant alfalfa on this parcel so he would want a longer term lease, possibly 5 years. We did not allow alfalfa previously due to negative effects it would have on our wastewater processing. Since we will be changing our processing with the new plant, this is not an issue anymore. Council member Starr introduced Resolution 45-21 entitled, "RESOLUTION APPROVING LEASE AGREEMENT FOR CITY PROPERTY" and moved for adoption. Second to adopt Joerger. Resolution duly passed on roll call vote as follows: Ayes – Starr, Joerger, Freeseaman, Pittman, Knighten. Nays – none.

Staff is recommending application for a Rural Innovations Grant through the state of Iowa. We can be awarded up to \$20,000 with a \$10,000 match to be used toward a collaborative effort to solve a local challenge that is associated with rural communities in Iowa. Our goal is to find a way to utilize the empty Kmart building located on South Grand. Two private entities have shown interest in partnering with the city and the ADC to fund the local match of \$10,000. The chamber of commerce was also invited to participate but they will not be able to participate. This would leave each of the four entities to provide \$2500 each to fund the local match. ADC director Tim Fox will write the grant to submit to IEDA. The owner of the building

has been approached for participation and they are supportive but have offered no funding. Council member Freeseaman commented that he thinks the city will need to be involved in this for the building to get sold. Council member Joerger introduced Resolution 46-21 entitled, "RESOLUTION APPROVING APPLICATION FOR A RURAL INNOVATIONS GRANT" 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.

City attorney Slotter reported that the hearing on the property at 607 S. Johnson has been held and we should be receiving the order on that sometime this month.

City clerk O'Donnell reported that the next meeting will be a planning session held on April 14 at 6:00.

City administrator Diers reported that the dumpsters for the spring clean up started delivering today. We will have a couple of city workers doing the dumpsters so we should be able to do more than we had originally thought. The ambulance bay remodel project started today. Steve, housing director Katie Nolte and a couple of the housing board members met with a representative of Randy Feenstra to discuss the Cedar Health building and possible funding to demolish it and build new public housing. Broadband was also mentioned and we could apply for funding for that as well. The current phone number for the police department, 228-3366, will be transferred to the comm center when it moves to the new LEC. We opened up the front door of city hall last week, going good so far.

Mark Wicks wanted to thank the street and park/rec departments for their help lately with putting up the street banners and moving the new picnic tables to the parkade by Snap Fitness.

Council member Pittman commented that the first meeting of the watershed advisory was held last week with Doug Johnson and it was very informative.

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

Dean Andrews, Mayor

Attest:

Trudy O'Donnell, City Clerk

COUNCIL PROCEEDINGS

APRIL 14, 2021

Charles City city council met in a planning session on April 14, 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, Phillip Knighten and Phoebe Pittman (left the meeting approximately 6:45). Also present were city administrator Steve Diers, city engineer John Fallis and city attorney Brad Sloter.

City engineer John Fallis shared recent pictures of the Charley Western trail bridge project.

Discussion on extension of the note to the telecommunications board. This note was originally set to come due on March 31. But with the delay in securing the financing, so this due date should probably be extended for possibly a year. City administrator Diers commented that all of the consultants are now on a contingency basis for payment so there should be no more bills until the financing is completed. We are now looking to partner with another entity for this project so that should lower the amount of financing needed and will hopefully be easier to secure that financing. All we will need is a date for the extension and city attorney Sloter can draw up the necessary paperwork.

The city recently acquired the property at 312 15th Avenue through nuisance abatement. The house has been demolished and the city would like now sell the property. It is located in the 100 year flood plain so that will limit future construction since any new house would have to comply with the flood plain construction requirements. An adjacent property owner is interested in purchasing the lot but we are required to open up the bids to everyone. Consensus of council was to sell this lot. Sloter stated that the assessed value of the land is \$8300 but the actual fair market value would be much lower due to being in the flood plain. We will need to hold a public hearing once we accept the high bid. A similar type of lot the city sold recently for \$1500.

Ordinance 1152 to re-zone a parcel located at 808 N. Jackson has been drafted and reviewed by planning and zoning. This lot is currently zoned B-3 and has storage units on it. The owner would like to build more storage units but a B-3 zoning doesn't allow this. The current units there are a legal non-conforming structure. An M-1 district allows this type of building and this lot is bordered on two sides by M-1. Planning and zoning held a public hearing on this proposed ordinance and they are recommending approval. John Newton, the property owner requesting this re-zoning, asked the council to consider expediting this ordinance by waiving the third reading. A public hearing is set for the council on May 3 along with the second reading. He said construction costs continue to increase and he would like to start as soon as possible to lock in prices. Council member Starr asked if staff had received any negative comments from surrounding properties and response was no. The first reading of this ordinance will be done at the April 19 council meeting.

The Cedar Health building located on 5th Street has been empty for some time and our public housing director Katie Nolte has been researching possible ideas for this property. The bank has not been able to find a buyer and it can't be re-opened as a senior living facility. Nolte is suggesting this building be demolished and a new affordable housing unit be constructed. Earmarked funding could be used for this project. HUD money would cover the demolition and abatement of any hazardous materials that may be in the building so the city won't be responsible for any of those costs. Council member Freeseaman asked if we had any idea of the cost to buy this property. Nolte explained that there is a second mortgage on this property plus the bank's interest. City attorney Sloter commented that the abstract would need to be brought up to date in order to determine what taxes are due and if there are any liens on the property before we could determine a cost to buy the property. Nolte commented that the housing department could leverage some of their capital funds to help with developing the

property. They have been wanting to divest themselves of the Morningside Apartments and this project could replace that site. Council member Starr asked why the housing department wants to get rid of Morningside, was it due to higher crime in the area of Morningside? Nolte replied in part, yes. Morningside is also located farther away from downtown and businesses. Starr commented that if there is an issue with crime in the area of Morningside, the city needs to take a good look at it and try to address it. The application for the earmark funds is due soon. Council can always turn down the funds if we are approved. Consensus of council was to apply for the funds and continue to do more research on demo costs and try to get an estimate of what the lot would cost. Since there are changes coming down the road from HUD on how public housing units will operate, this may be a good move for us.

Park and rec director Tyler Mitchell reported that he has secured a grant of \$20,000 from MinnTex to be used for resurfacing and expanding the pickle ball courts. Total estimated cost is \$36,500 which leaves the city's portion to fund of \$16,500. This project would also make the courts bigger which will make them safer and also be sanctioned. This would open up to having sanctioned leagues and tournaments. This will be on the next regular agenda for council to approve the funding.

Mark Wicks was present to review the CLG annual report. This is a requirement for us to keep our certified local government status. This status creates the historic preservation committee and oversees the historic structures in the city. The most recent effort of this group has been working with the save the depot group to move the historic train depot. They have also been working on adding a study advisory group to the committee.

Bob Ingram, from Sisson and Associates, reviewed the city's insurance renewal package. The worker's comp and liability premiums increased about 7% from \$378,718 to \$406,341. The derecho last year and an increase in litigation against cities have both contributed to this increase. The city's work comp mod factor did decrease to .9 from 1.04, which helped keep the increase lower. Council member Starr asked if our deductibles were appropriate and response was that we went from a \$1000 to a \$5000 deductible last year which saved us some money. But going to \$10,000 won't be a big enough savings to take on that extra risk. This renewal will be on the next regular meeting for council action.

A request has been received from Gilbert Starble, owner of Hartwood Inn, for re-zoning of his property. He would like to convert the Hartwood Inn from a motel to long term rental units. The zoning ordinance requires that a property owner must complete a rezoning petition with signatures from at least 50% of the surrounding property owners within 200' and he has been unable to do that. So he is requesting that the city initiate the re-zoning request, which is his only other course of action to get this re-zoned. He was asked if he knew why the abutting property owners wouldn't sign and it seemed that most of them just didn't want to sign anything and some thought they were signing to endorse the proposed project. Some just wanted more information before they signed. Council member Starr commented that he is hesitant to initiate this re-zoning with so many of the abutting property owners not in favor of it. Council member Knighten stated that he thinks this should go before the planning and zoning so that all of the residents within 200 feet would get the public hearing notice so they can come to hear about the project and know what it's all about. Council consensus was that Mr. Starble should gather more information to get to his neighbors on the proposed project and bring back to the council at the next planning session for more discussion. Council member Freeseaman requested that any verification be made of any additional information brought forward.

The 2020 HMA paving project is complete and ready for acceptance. This project consisted of HMA resurfacing on Cedar, Clinton and South Jackson streets, removing and replacing small sections of deteriorated curb and gutter and placing a leveling surface to improve rideability. There was also replacement of small sized storm sewer and old intakes on Clinton and Cedar

Streets. A section of Second Street was completely reconstructed with a new 31 foot wide HMA paved street. The total project cost was \$1,565,864.35 which was more than the bid. Two change orders for the paving of abandoned railroad crossings on N. Grand and storm sewer repairs on Clinton Street accounted for the large majority of the increase. Heartland Asphalt was the contractor for the project. This acceptance and final payment will be on the next regular agenda for council action.

The North Jackson/South main HMA overlay project is completed and ready to be accepted. This project included approximately 3,650 feet of overlay with minor repairs to the curb and gutter, improvements to storm sewer intakes, pedestrian curb ramps for the sidewalks and a storm sewer extension on South Main. Total cost was \$892,642.23 which was more than the bid of \$805,949.53. Changes orders were issued which was mostly for unexpected rock excavation that was needed for the storm sewer construction on S. Main. This is a SWAP project. This acceptance and final payment authorization will be on the next regular agenda.

City administrator Diers reported that a resident had thanked him for the railroad crossing that was fixed this summer. Staff has been working on getting ready for in person council meetings to begin again. We will need some updated equipment to accomplish this and plan to keep the Zoom feature available for people who can't attend in person. Spring clean up is moving along and city workers have been able to average 15-20 dumpsters a day. Staff has been discussing a possible clear well project at the water plant and this will be discussed with council at an upcoming workshop. Chamber remodel and ambulance bay remodel projects have been started. The police department is working on updating their SOP and are also working on purchasing more body cameras so that each officer can have their own.

There being no further business, meeting was adjourned.

Dean Andrews, Mayor

Attest:

Trudy O'Donnell, city clerk