

COUNCIL MINUTES  
SPECIAL SESSION  
MAY 12, 2021

Charles City city council met in special session on May 12, 2021 at 6:00 p.m. via Zoom due to the COVID-19 pandemic. Mayor Andrews presided and the following council members were present: Keith Starr, Jerry Joerger, DeLaine Freeseeman, Phoebe Pittman and Phillip Knighten (arrived 6:05). Also present were city administrator Steve Diers, city engineer John Fallis and city attorney Brad Sloter.

Motion by Freeseeman, second Joerger to approve the agenda. Ayes – 4

Mayor Andrews commented that himself, city administrator Diers and council member Freeseeman met with the National Main Street people this week.

Mayor Andrews opened the public hearing on Ordinance 1152 amending the zoning classification of property located at 808 n. Jackson street, Charles City, Iowa, from B-3, service business district to M-1, light manufacturing district. Affidavit of publication dated 5/4/21 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 Freeseeman to close the hearing. Ayes – 4. This ordinance has been reviewed by planning and zoning and after holding a public hearing on it, they are recommending approval. Motion by Freeseeman, second Starr to approve the third reading of Ordinance 1152. Ayes – 4. Council member Freeseeman read the ordinance. Council member Knighten arrived at 6:05. Motion by Joerger, second Starr to adopt and publish Ordinance 1152. Ayes – 5

Motion by Starr, second Freeseeman to enter into closed session pursuant to Iowa Code Chapter 21.5 (1) (j) to discuss the purchase of particular real estate only where premature disclosure could be reasonably expected to increase the price the governmental body would have to pay for that property. Ayes – Starr, Joerger, Freeseeman, Knighten, Pittman. Nays – none. Council entered into closed session at 6:07 p.m.

Council reconvened into open session at 6:20 p.m. with no action being taken in closed session.

Motion by Starr, second Freeseeman directing city administrator to continue with negotiation on subject property. Ayes – 5

Motion by Freeseeman, second Knighten to adjourn. Ayes – 5

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Dean Andrews, Mayor

Attest:

Trudy O'Donnell, City Clerk

COUNCIL PROCEEDINGS  
MAY 12, 2021

Charles City city council met in a planning session on May 12, 2021 at 6:22 p.m. immediately following a special session 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.

Mayor Andrews stated that the parking lot clean up at city hall would take place on Tuesday at 5:00 p.m.

Craig Hamm was present to request street closures for a Corvette car show scheduled for May 22. He is asking that the following streets be closed from 7:00 a.m. to 2:00 p.m. : Kelly Street from Main to N. Jackson and N. Jackson from Kelly to Blunt. He has talked to park and rec director Tyler Mitchell, Mark Wicks, Dean Jewelers and other neighbors about this. This will be on the next regular meeting for council action.

Mark Wicks and Tami Vetter were present to ask for street closures and allowing alcohol in the park for the BBQ Challenge and Christmas in July events on July 10. The BBQ event will be held in the parking lot between N. Main and N. Jackson. There will be a 5K that the brewery is sponsoring and a car show sponsored by the Rotary Club. Vendors will be set up in Central Park, including a wine trailer. The sidewalk around Central Park will define the perimeter for the wine license, same as what party in the park does. The bandshell will be set up and live music will be performed. This will come to the council for action at the next regular council meeting.

A request has been received from Rick Cordes to allow him to construct a garage on an empty lot located at the end of 6<sup>th</sup> Avenue near the bike trail. City engineer Fallis reported that Mr. Cordes lives out of the city limits and therefore doesn't qualify under the recently passed Ordinance 1139 which allows city residents to build a garage on an empty lot within the city and tie the two lots together. In order to allow this, council would have to amend the ordinance. Cordes stated he would build the garage on the far edge of the lot, leaving plenty of room to build a future home. Discussion on other requests council had received to allow garages on empty lots. City attorney Sloter commented that one concern staff has is if this is allowed, we would get a lot of requests to put garages on empty lots. Other options were discussed but no real solution was found. Council member Freeseaman stated that he hesitates to keep making changes to this ordinance, it was amended not that long ago to make some allowances for people living in town. Council member Knighten asked if we could allow someone who lives within two miles of town to build a garage on an empty lot. City administrator Diers commented that the city can assess to a property owner living in the city but we can't assess any property located outside city limits.

Police chief Hugh Anderson was present to discuss re-doing the police department's standard operating procedures. He has found a company that would help re-write our policies, they are highly recommended by his peers around the state. Once the re-write is complete, it would come to council for formal adoption. It would be an annual cost of \$8300 and bulletins would be sent out as changes are made to the laws that would require changes to the policy. This company has lawyers on staff that continually review any law changes and would then draft the changes to our policy that would reflect the changes in the law. Council member Freeseaman stated he likes the idea and wondered if a council member shouldn't be on the committee that will oversee this policy re-write. Anderson replied that this is a fairly large time commitment so it might not be feasible for a council member to be on the committee. He also stated that our insurance company, EMC, encourages their clients to use this company. This

process will take quite some time to complete, there will be a lot of reading involved. The reason for doing this policy re-write is to be sure our officers are doing things right and not just to protect the officers and the city. Once the policy would be completed, we would own it. Council member Knighten also commented that it's important to have the right individuals as police officers, not just about having the policy in place. Consensus of council was to move forward with this project.

The 2020 sewer lining project was not ready for discussion at this time.

City administrator Diers reported that Annette Dean, library director, has requested to close off the library lot for some library programs on June 2, June 30 and August 4. Diers told her to be sure and check with park and rec and street departments and the Chamber to be sure there are no conflicts with other events. The street lights have been removed at the intersection of Brantingham/Clark and Brantingham/N. Grand and replaced with 4 way stop signs as part of the street project being done. We are encouraging people to be extra careful in these areas. Diers had talked to Bob Ingram about changing the city's deductibles and doing this would save the city about \$3,000 a year. So he approved doing this. City engineer Fallis reported that there is good progress being made on the CW Bridge and the bridge decks are scheduled to be poured tomorrow. Diers also reported that we are still working on getting the necessary equipment installed for going back to live council meetings. The telecom board met yesterday and did a closed session to discuss the business plan and working with another entity to get the broadband project going. The new consultant is working for us on a contingency basis, so he won't get paid unless the project gets funded. The board approved a resolution requesting an extension to their loan with the city to March 2022. This will also need to be approved at the council level.

There being no further business, meeting was adjourned.

Dean Andrews, Mayor

Attest:

Trudy O'Donnell, City Clerk

COUNCIL MINUTES  
MAY 17, 2021  
REGULAR SESSION

Charles City city council met in regular session on May 17, 2021 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 and city attorney, Brad Slotter.

Citizens Comments – none.

Mayor Andrews welcomed everyone to the meeting.

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

Motion by Joerger, second by Pittman to approve the minutes of the May 3, 2021 meeting.  
Ayes-5

Motion by Joerger, second Starr to approve the consent calendar. Ayes-5. Consent calendar consisted of the following: approve 4/21 financial for the City of Charles City and CC Public Employee Health Plan, Renewal of HyVee Food Store Class LE liquor license w/Sunday sales, Renewal of Pub Crawlers Class C liquor license w/Outdoor Service, renewal of Comet Bowl Class LC Liquor license w/Sunday Sales and Outdoor Service, approve ownership change for Casey's, approval of 5 day Class B beer/Class C native wine license for Nik's Tippy Trailers w/Outdoor Service for July 10-15, and payment of claims( including those approved by other boards).

The American Legion submitted a proclamation for American Legion Poppy Day May 28<sup>th</sup>, 2021. Motion by Pittman, second by Freeseaman to approve the proclamation. Ayes-5. Mayor Andrews read the proclamation.

Motion by Pittman, second by Joerger to reappoint Jeff Otto to Park and Rec Board, Laura Wallace and Carol Frye to Historic Preservation Commission and Mike Lidd to the Civil Service. Ayes-5

Craig Hamm has requested a street closure for a Corvette car show on May 22<sup>nd</sup>. Craig explained he would like to have a portion of N. Jackson and Kelly Street closed from 7:00 am until 2:30 pm that day to hold the car show. Motion by Freeseaman, second by Joerger to approve the requested street closure.  
Ayes-5.

Mark Wicks has requested a street closure for the Charles City BBQ Challenge being held July 10<sup>th</sup>. The BBQ Challenge had previously been held in the parking lot behind City Hall, however this year they are moving it to the parking lot between the 200 block of North Main and North Jackson Street. The Rotary will also be holding the Christmas in July event at that time. Tammy Vetter explained that the Rotary had all ready been given permission to have the streets closed for the Christmas in July event being held that same day, however they are adding food vendors and the whimsical wine trailer. The Pub Crawlers will also be there. Motion by Freeseaman, second by Joerger to approve street closing and use of city park for Charles City BBQ Challenge and Christmas in July event. Ayes-5.

Mayor Andrews opened the public hearing for the FY21 budget amendment. Affidavit of publication dated 5/7/2021 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. Administrator Diers explained that some of the reasons for the amendment are: changes in timelines of projects, COVID related expenses, receipt/disbursements for grants, payment to Floyd County for balance in the communications equipment fund and damages to vehicles due to accidents. Council member Freeseaman introduced Resolution 59-21 entitled, "RESOLUTION AMENDING THE CURRENT BUDGET FOR THE FISCAL YEAR ENDING JUNE 30, 2021" and moved for adoption. Second to adopt Starr. Resolution duly passed on roll call vote as follows: Ayes: Pittman, Knighten, Starr, Joerger, Freeseaman. Nays-none.

Mayor Andrews opened the public hearing for the Conveyance of City Interest in real estate. Affidavit of publication dated 5/7/2021 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-4. Freeseaman-abstained. DeLaine and Jane Freeseaman own property south of Riden's Addition. Due to a recent survey of the property, it was discovered that the north line of Freeseaman's property does not directly abut the south line of the Riden Addition and Cedar Street. This piece of property is being labeled Parcel "O". The Freeseamans are seeking to acquire quit claim deed from the owners of 3 and 4 Riden Circle and the City of Charles City. This will give them a marketable title to Parcel "O". Council member Joerger introduced Resolution 60-21 entitled, "RESOLUTION APPROVING CONVEYANCE OF REAL PROPERTY" and moved for adoption. Second to adopt Starr. Resolution duly passed on roll call vote as follows: Ayes-Starr, Joerger, Pittman, Knighten. Abstained-Freeseaman.

A public hearing will need to be set for the urban renewal plan amendment for the Riverside Urban Renewal Area. The hearing would be set for June 21, 2021 at 6:00 pm. Amendment includes funding for CCADC Agreement and Main Street CC Agreement. Council member Joerger introduced Resolution 61-21 entitled, "RESOLUTION SETTING DATE FOR PUBLIC HEARING FOR URBAN RENEWAL AMENDMENT FOR RIVERSIDE URBAN RENEWAL AREA" and moved for adoption. Second to adopt Freeseaman. Resolution duly passed on roll call vote as follows: Ayes-Joerger, Freeseaman, Pittman, Knighten, Starr. Nays-none.

A public hearing will need to be set on urban renewal plan amendment for the South Grand urban renewal area. The hearing would be set for June 21, 2021 at 6:00 pm. Amendment includes a \$13,750 increase in South Grand UR; replacing Park Ave TIF contribution of \$7,700. Council Member Joerger introduced Resolution 62-21 entitled, "RESOLUTION SETTING DATE FOR PUBLIC HEARING ON URBAN RENEWAL PLAN AMENDMENT FOR THE SOUTH GRAND URBAN RENEWAL AREA" and moved for adoption. Second to adopt Pittman. Resolution duly passed on roll call vote as follows: Ayes-Freeseaman, Pittman, Knighten, Starr, Joerger. Nays-none.

A public hearing will need to be set for the urban renewal plan amendment for the SW Bypass UR. The hearing would be set for June 21, 2021 at 6:00 pm. The CCADC is requesting funding of \$46,000 per year for three years. The agreement includes an increase from \$17,500 in the previous agreement to \$18,500 in the new agreement. The county will match this amount for a total of \$37,000 a year. The amendment also includes changes in the 2017 Cambrex TIF rebate agreement. The Cambrex agreement changes from a \$170,000 rebate over nine years to a \$575,000 rebate over nine years. This change is due to the substantial added assessed valuation. Council member Pittman introduced Resolution 63-21 entitled,

“RESOLUTION SETTING DATE OF PUBLIC HEARING ON URBAN RENEWAL PLAN AMENDMENT FOR THE SOUTHWEST BYPASS URBAN RENEWAL AREA” 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.

A public hearing will need to be set for the consideration of amendment to Development agreement with Cambrex. The hearing would be set for June 21, 2021 at 6:00 pm. Changes the Cambrex agreement from a \$170,000 rebate over nine years to a \$575,000 rebate over nine years. This is due to a substantial added assessed valuation from the project. Council member Freeseaman introduced Resolution 64-21 entitled, “RESOLUTION SETTING A DATE OF MEETING AT WHICH IT IS PROPOSED TO APPROVE AN AMENDED DEVELOPMENT AGREEMENT WITH CAMBREX CHARLES CITY, INC., INCLUDING ANNUAL APPROPRIATION TAX INCREMENT PAYMENTS” and moved for adoption. Second to adopt Joerger. Resolution duly passed on roll call vote as follows: Ayes-Knighten, Starr, Joerger, Freeseaman, Pittman. Nays-none.

Portzen Construction has submitted pay estimate #19 for approval. It is in the amount of \$1,119,155.92. Work associated with this payment includes continued work on the headworks building and oxidation ditch and other related work elements. Council member Joerger introduced Resolution No. 65-21 entitled, “RESOLUTION APPROVING PAY ESTIMATE #19 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.

The City has extended interim financing to the Charles City Telecom in the amount of \$1.2M. The note was due to mature in March 2021. The Telecom board of Trustees has requested that the council extend the due date on the note to March 1, 2022. Council member Joerger introduced Resolution No. 66-21 entitled, “RESOLUTION APPROVING EXTENSION OF MATURITY DATE OF REVENUE LOAN WITH CHARLES CITY TELECOMMUNICATIONS UTILITY” and moved for adoption. Second to adopt Pittman. Resolution duly passed on roll call vote as follows: Ayes-Joerger, Freeseaman, Pittman, Knighten, Starr. Nays-none.

Brad Sloter, city attorney, informed the council that no bids were received for 312 15<sup>th</sup> Ave. Will talk more at a staff level and then bring to planning session.

City Administrator reported that they are working with the old Cedar Health building. A notice has been sent for the nuisance. After the ten days passed it should be mowed by Park and Rec. There was a water leak that they were able to find a valve to shut off. City hall is now following the new CDC guidance and masks will not be required by staff.

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

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Dean Andrews, Mayor

Attest:

Virginia Titus, Deputy Clerk