

COUNCIL MINUTES
REGULAR SESSION
JULY 6, 2021

Charles City city council met in regular session on July 6, 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 Knighten to approve the agenda. Ayes – 5

Motion by Joerger, second Starr to approve the minutes of the June 16,21 and 28 meetings. Ayes – 5

Motion by Joerger, second Pittman to approve the consent calendar. Ayes – 5. Consent calendar consisted of the following: approve filing the following liens for unpaid utility bills: \$103.12Acct5011570000, \$149.84Acct5026020004, \$66.75Acct5025580000, \$849.75Acct5012180008,\$126.45Acct5019960000, \$147.37Acct5015110004 and payment of claims (including those approved by other boards):

Mayor Andrews opened the public hearing on proposed development agreement with Charles City Area Development Corporation. Affidavit of publication dated 6/25/21 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 Knighten to close the hearing. Ayes – 5. City administrator Diers explained that it is time to renew the agreement with ADC for another three years. They have requested an increase from \$42,000 annually to \$46,000 for a total over the three years of \$138,000. The funding for these payments comes from three different TIF districts: SW Bypass, Riverside and South Grand. ADC director Tim Fox expressed his appreciation for this funding. Council member Joerger introduced Resolution 85-21 entitled, “RESOLUTION APPROVING DEVELOPMENT AGREEMENT WITH CHARLES CITY AREA DEVELOPMENT CORPORATION, AUTHORIZING ANNUAL APPROPRIATION TAX INCREMENT PAYMENTS AND PLEDGING CERTAIN TAX INCREMENT REVENUES TO THE PAYMENT OF THE AGREEMENT” 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.

Mayor Andrews opened the public hearing on proposed development agreement with Main Street Charles City. Affidavit of publication dated 6/25/21 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 Pittman to close the hearing. Ayes – 5. City administrator Diers reviewed this three year agreement, stating that it covers several programs in the city. Main Street support is \$25,000/year, Façade program is \$35,000/year and Cultural/Entertainment program is \$25,000/year. There is flexibility between Façade and C/E so if we run out of money for one, we can dip into the other allotment. The total for all three programs over the three years is \$255,000 and funding for this comes out of Riverside TIF. Council member Freeseaman asked if there is a reporting requirement to the city included and Diers replied yes. It is to be done at least annually and is usually done in December. Council member Freeseaman introduced Resolution 86-21 entitled, “RESOLUTION APPROVING DEVELOPMENT AGREEMENT WITH MAIN STREET CHARLES CITY, AUTHORIZING ANNUAL APPROPRIATION TAX INCREMENT PAYMENTS AND PLEDGING CERAIN TAX INCREMENT REVENUES TO THE PAYMENT OF THE agreement” 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.

Mayor Andrews opened the public hearing on a development agreement with Molstead Motors. Affidavit of publication dated 6/25/21 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 Pittman to close the hearing. Ayes – 5. Molstead Motors is doing their next addition to their facilities. It will be used primarily to expand their service bays. Estimated cost of the project is two million and their agreement would be for an 85% tax rebate over 5 years for a total amount of about \$110,000. Council member Joerger introduced Resolution 87-21 entitled, “RESOLUTION APPROVING DEVELOPMENT AGREEMENT WITH MIKE MOLSTEAD MOTORS, INC. AUTHORIZING ANNUAL APPROPRIATION TAX INCREMENT

PAYMENTS AND PLEDGING CERTAIN TAX INCREMENT REVENUES TO THE PAYMENT OF THE AGREEMENT” and moved for adoption. Second to adopt Freeseeman. Resolution duly passed on roll call vote as follows: Ayes – Starr, Joerger, Freeseeman, Pittman, Knighten Nays – none

The city is planning construction of a clear well at the water treatment plant. SEH architects have submitted a scope of services to do the designing and conduct the bidding process for this project. The fee they are proposing for these services is \$328,550. Once the bidding is done, they will submit another agreement for construction oversight. The project is estimated to cost 5.2 million and will be funded with SRF loans and hopefully a CDBG grant. Council member Freeseeman asked if we decided not to move forward with the project after it is designed, will the plans still be usable in the future. Reply was that the plans should still be good, unless standards would change. Council member Freeseeman introduced Resolution 88-21 entitled, “RESOLUTION APPROVING AGREEMENT WITH SEH FOR 2021 CLEAR WELL PROJECT, CHARLES CITY, IOWA” and moved for adoption. Second to adopt Joerger. Resolution duly passed on roll call vote as follows: Ayes – Starr, Joerger, Freeseeman, Pittman, Knighten. Nays – none.

An agreement has been drafted with NIACOG to apply for the CDBG grant for the clear well project. We qualify for up to \$600,000. NIACOG will write this grant for free, but if we are awarded, they would ask to be paid, out of the grant funds, to administer the grant. Council member Joerger introduced Resolution 89-21 entitled, “RESOLUTION APPROVING MEMORANDUM OF UNDERSTANDING WITH NIACOG FOR CDBG GRANT” and moved for adoption. Second to adopt Pittman. Resolution duly passed on roll call vote as follows: Starr, Joerger, Freeseeman, Pittman, Knighten. Nays – none

The transit agreement with NIACOG needs to be renewed again for the coming year. This is for oversight of the Federal side of the transit program. They have changed a couple of items of this agreement which are the addition of extra liability coverage and a listing of the training requirements for each transit driver. We were already doing the training, they just listed it out in the agreement itself. There are two agreements, one for city service and one for county service. Council member Joerger introduced Resolution 90-21 entitled, “RESOLUTION APPROVING TRANSIT AGREEMENTS WITH NIACOG” 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.

A request has been submitted from Mike and Jamie Reicherts to allow mules to be kept on property located at 1903 Cleveland. This is located on the very north edge of town and is about a 10 acre parcel with most of it consisting of woods. This was discussed at the last workshop and staff is looking for direction on how to proceed. Council member Pittman asked if the neighbors around this parcel have been contacted and Mr. Reicherts replied no. City attorney Slotter stated that staff would draft an agreement to include any parameters the council may set. Motion by Joerger, second Knighten to deny this request. Diers asked if a length of time could be set for this and city attorney Slotter stated that the last request the council approved for livestock in town was good until council might decide to revoke it. Council member Starr commented that this might not be fair since the owners would be building a structure to house the animals. Voting on the motion was as follows: Ayes – Starr, Joerger, Knighten. Nays – Freeseeman, Pittman. Motion to deny the request was carried.

Vermeer Iowa and Northern Missouri has submitted a request for a waiver of parking lot requirements for their property located at 1107 South Grand Avenue. They fully intend to comply with the parking lot paving requirements but would like some time to get their business established and running. They have presented to planning and zoning with their recommendation being approval of a 5 year waiver. Vermeer plans on getting this done in only two to three years but want to have the 5 years just in case. Council member Freeseeman introduced Resolution 91-21 entitled, “RESOLUTION GRANTING PARKING WAIVER FOR PROPERTY AT 1105 SOUTH GRAND” and moved for adoption. Second to adopt Knighten. Resolution duly passed on roll call vote as follows: Ayes – Starr, Joerger, Freeseeman, Pittman, Knighten. Nays - none

Residency requirements for building an accessory structure without a principal structure on empty lots in town have been discussed at previous council meetings. A request has been received from a resident outside the city limits to build a garage on an empty lot in town. Ordinance 1139 was recently passed that allowed for residents in the city to build accessory buildings on an empty lot. There has been much discussion on this issue. City engineer Fallis stated that the fastest way to allow this would be to amend Ordinance 1139. Concern was raised over changing an ordinance for one person and what the zoning would need to be for this property for the intended use of the structure. Prior to the recent amendment, only abutting property owners could build an accessory structure on an empty lot. The amendment

opened that up and allowed any city residents to build an accessory structure on an empty lot. Council member Joerger introduced Resolution 92-21 entitled, "RESOLUTION DIRECTING PLANNING AND ZONING TO REVIEW THE RESIDENCY REQUIREMENTS IN ORDINANCE 1139" and moved for adoption. Second to adopt Freeseaman. Resolution duly passed on roll call vote as follows: Ayes – Joerger, Freeseaman, Pittman, Knighten. Nays – Starr.

A request has been made by the city administrator, city clerk and city attorney to enter into closed session for performance evaluations. Motion by Knighten, second Freeseaman to enter into closed session pursuant to Iowa Code Chapter 21.5 1 (i) to conduct performance evaluations for city administrator, city clerk and city attorney. Ayes-Starr, Joerger, Freeseaman, Pittman, Knighten. Nays – none. Council entered into closed session at 6:52 p.m.

Council reconvened into open session at 8:10 p.m. with no action being taken in closed session.

City clerk O'Donnell will be given a 2.25% increase in salary for FY22. Council member Joerger introduced Resolution 93-21 entitled, "RESOLUTION APPROVING AMENDMENT TO EMPLOYMENT AGREEMENT BETWEEN THE CITY OF CHARLES CITY AND CITY CLERK TRUDY O'DONNELL" 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.

City administrator Diers will be given a 3% increase in salary for FY22. Council member Freeseaman introduced Resolution 94-21 entitled, "RESOLUTION APPROVING AMENDMENT TO EMPLOYMENT AGREEMENT BETWEEN THE CITY OF CHARLES CITY AND CITY ADMINISTRATOR STEVEN DIERS" 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.

Workshop set for July 14 may not take place. If not, the next meeting will be a regular meeting on July 19.

City administrator Diers reported that the wiring in council chambers is scheduled to be done next week to prepare for in person meetings while still allowing the use of Zoom. We hope to start holding these hybrid meetings with the July 26 planning session. The annual report on the status of 300 Shaw Avenue contamination shows our numbers are improving there. Interviews have been conducted to fill the water operator position and an offer has been made. The remodel project at 401 N. Main has been completed. The Charley Western Trail bridge will be opened in the near future and the lights for that bridge should be here within the next couple weeks.

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

Dean Andrews, Mayor

Attest:

Trudy O'Donnell, City Clerk