

COUNCIL MINUTES
REGULAR SESSION
DECEMBER 20, 2021

Charles City city council met in regular session on December 20, 2021 at 6:00 p.m. in council chambers. 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 attorney Brad Sloter and city engineer John Fallis.

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 Pittman to approve the minutes of the November 22, December 6 and 15 meetings. Ayes – 5

Motion by Freeseaman, second Pittman to approve the consent calendar. Ayes – 5 Consent calendar consisted of the following: approve 11/21 financials for city of Charles City and CC Public Employee Health Plan and payment of claims (including those approve by other boards):

November Receipts – Gen -437413.73; P/R C/I-8.24;H/M-12.91;RAGBRAI-.26;RUT-64915.80;EmpBen-155934.38;CVTC-833.97;Emergency-9027.71;OptTax-218962.13;TIF-201378.66;AmerResFund-2014.27;LibrTr-393.79;FGP-18408.49; PubHous-47180.56;Sect8-85419.23;DebtServ-70085.89;StreetRelC/I-12000.00; Water-237667.07;Sewer-151160.16;WasteFnd-61135.71;Transit-43333.15;SWU-17240.66;FireExt-126.00

November disbursements – Gen-385866.97;CommEq-80709.24;RUT-61624.24;EmpBen-90376.98;CVTC-5928.97;LibrTr-12163.76;FGP-17867.23;PubHous-65267.49;Sect8-72261.49;AssetForf-2502.72;DebtServ-20450.00;CW Bridge-5177.64;FibertoHome-1081.38;IPC SponProj-4773.32;Water-128994.24;ClearWell-5935.59;Sewer-74658.89;WWTPExpFnd-220408.79;WasteFnd-67711.05;Transit-33506.83;SWU-3447.11;FireExt-269.87

Business of the mayor – Mayor Andrews is recommending appointing Richard Severin to the board of adjustment. Motion by Freeseaman, second Pittman to approve this appointment. Ayes – 5

Mayor Andrews presented a proclamation to honor Mario Hofer who has received the Musial Award, which is a national award for sportsmanship. Motion by Freeseaman, second Knighten to approve the proclamation. Ayes – 5. Mayor Andrews then read the proclamation and presented it to Mario.

Mayor Andrews then presented a plaque to council member Jerry Joerger and thanked him for his many years of service on the council. Jerry chose not to run for re-election this year. He served on the council 1976-1980 and then from 1994 to present.

Mayor Andrews opened the public hearing on Ordinance 1155 AN ORDINANCE REPEALING CHAPTER 3, ELECTION PRECINCTS, OF THE CHARLES CITY CODE OF ORDINANCES, 2015 AND ADOPTING A NEW CHAPTER 3, ELECTION PRECINCTS, OF THE CODE OF ORDINANCES OF THE CITY OF CHARLES CITY, IOWA 2015. Affidavit of publication dated 12/10/21 was informally filed. Mayor 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. After each census, the city is required to review it's election precincts to be sure they are equally balanced with the population within each one. There is one small change we will be making to two of our three precincts and it will affect a minimal amount of people. County auditor Gloria Carr is asking that council consider waiving the third reading and adopt this ordinance tonight after it's second reading. She needs to get all of her paperwork submitted to the state in a short amount of time, so waiving the third reading would help her tremendously. Motion by Freeseaman, second Pittman to approve the second reading of Ordinance 1155. Ayes – 5. Council member Freeseaman read the ordinance. Motion by Starr, second Pittman to waive the third reading of Ordinance 1155. Ayes – 5. Motion by Starr, second Freeseaman to adopt and publish Ordinance 1155. Ayes – 5

The FY21 audit had been presented by our auditors at the last meeting. But they were waiting on one piece of information before it could be filed with the state. They have gotten that information so the audit is ready to be accepted by the council. Motion by Joerger, second Starr to approve the FY21 audit as presented. Ayes – 5.

Ordinance 1156 AN ORDINANCE REPEALING CHAPTER 75 OF THE CHARLES CITY CODE OF ORDINANCES, 2015, AND ADOPTING A NEW CHAPTER 75 WHICH AMENDS THE PROVISIONS OF THE REPEALED CHAPTER TO PROVIDE RULES AND REGULATIONS FOR THE OPERATION OF ALL-TERRAINE VEHICLES, OFF ROAD UTILITY VEHICLES AND SNOWMOBILES WITHIN THE CITY OF CHARLES CITY, IOWA was presented for a second reading. This ordinance addresses the use of UTV/ATVs in city limits. All terrain vehicles are allowed only for snow removal purposes. Off road utility vehicles (UTV) are allowed on city streets but not state highways unless directly crossing them at an intersection. They also are not allowed in city parks, trails or recreational bridges. Once change to snowmobiles operating in city limits is that they can't be driven after midnight on Sunday mornings as opposed to 1 a.m. on Sunday mornings. This was done to match the same time as the other nights of the week. Discussion had been held on allowing golf carts but they aren't included for now and may be addressed in the future. Motion by Starr, second Freeseeman to approve the second reading of Ordinance 1156. Ayes – 5. Councilmember Freeseeman asked if a correction had been made in the paper from the information reported after our last council meeting. Reply was yes, a correction had been made. Council member Starr read the ordinance.

Pay estimate #26 for the WRRF has been received. The amount of this request is \$239,141.69. Including this payment, a total of \$15,258,396.72 has been paid to Portzen. The WRRF and the lift station near Otto's are both in operation. The WRRF is about 90% complete. Fox Engineering has reviewed this request and is recommending payment. Council member Starr introduced Resolution 140-21 entitled, "RESOLUTION APPROVING PAY ESTIMATE #26 FOR WATER RESOURCE RECOVERY FACILITY PROJECT" 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

City engineer John Fallis reviewed the Southwest Development Park Water Quality Initiative Improvements project with the council. This project included installation of detention basins and re-grading of existing drainage swales. A new concrete box culvert was put under 11th Street and a 6" draing tile was also placed in the bottom of the ditch. Farm Tile Pro was the contractor on this project and the final cost was \$363,265.50 which is more than the original bid of \$331,974.50. The additional cost was due to extra work to move a 12" water main. The amount of the final payment is \$36,973.27. Council member Freeseeman introduced Resolution 141-21 entitled, "RESOLUTION ACCEPTING THE 2020 SOUTHWEST DEVELOPMENT PARK WATER QUALITY INTIATIVE IMPROVEMENTS PROJECT AND AUTHORIZING FINAL PAYMENT" 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.

City engineer Fallis reviewed the Grove Street/N. Illinois intersection improvement project. This project was a cost share with Paul Rottinghaus, who recently purchased the Sherman Nursery property. Work included removing existing pavement and storm sewer at the intersection, placing new storm sewer and additional intakes to collect storm water runoff to direct it to Sherman Creek, remove existing damaged guard rail and replace with new guard rail and replace pavement with new grades to direct the storm water runoff to the storm sewer intakes. Contractor for this project was Heartland Asphalt and the total cost was \$150,408.94 of which Mr. Rottinghaus share was \$24,417.27 and the city share was \$125,991.67. Fallis is recommending acceptance of the project and making final payment of \$22,705.76 to Heartland Asphalt. Council member Joerger introduced Resolution 142-21 entitled, "RESOLUTION ACCEPTING THE GROVE STREET/SOUTH ILLINOIS STREET INTERSECTION IMPROVEMENT PROJECT AND AUTHORIZING FINAL PAYMENT" 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 nuisance property at 312 15th Avenue had previously been purchased by the city and the structure was demolished, leaving a vacant lot. This past spring, the city went out for bids on this lot but did not receive any. Recently, two interested parties have contacted city hall about purchasing the lot. They were told to submit bids for the property by December 15 and that the city requested a minimum bid of \$1500. Only one bid was received, it was for \$1300 from Michael Hebert. After consulting with the city attorney, it was determined that the city could accept this bid. A public hearing needs to be set before this property can be conveyed and that hearing will be January 3. Council member Starr introduced Resolution 143-21 entitled, "RESOLUTION APPROVING NOTICE OF PUBLIC HEARING ON SALE OF PROPERTY LOCATED AT 312 15TH AVENUE" and moved for adoption. Second to adopt Pittman. Resolution duly passed on roll call vote as follows: Ayes – Starr, Joerger, Freeseeman, Pittman, Knighten. Nays – none.

Motion by Starr, second Freeseaman to enter into closed session pursuant to Iowa Code Chapter 21.5 1(i) to evaluate the professional competency of an individual whose appointment, hiring, performance or discharge is being considered when necessary to prevent needless and irreparable injury to that individual's reputation. Ayes – Starr, Joerger, Freeseaman, Pittman, Knighten. Entered into closed session at 6:31 p.m.

Reconvened in open session at 6:54. No action was taken in closed session.

Motion by Freeseaman, second Pittman to accept and ratify resignation of employment and release agreement. Ayes – 5

City clerk O'Donnell stated that the current list of council committees had been distributed and asked that everyone look at their committees. We will discuss these at the next planning session and set the appointments at the following regular meeting. City hall will be closed Thursday December 23 at noon and all day Friday December 24 for the Christmas holiday and all day December 31 for the New Year holiday. She expressed her appreciation to Jerry Joerger for all of his guidance since she started working for the city.

City administrator Diers reported that the city has been awarded \$600,000 grant for the clear well project. He recently received a rate study that compared water/sewer rates for many cities and we are pretty much right in the middle. He will be off next week but will be available if needed. He also expressed his thanks to Jerry for his years of service on the council.

Council member Pittman reported that the historic preservation commission has adopted a new logo.

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

Dean Andrews, Mayor

Attest:

Trudy O'Donnell, City Clerk