

COUNCIL PROCEEDINGS
MARCH 30, 2022

Charles City city council met in a planning session on March 30, 2022 at 6:00 p.m. in council chambers. Mayor Dean Andrews presided and the following council members were present: Keith Starr, Patrick Lumley, DeLaine Freeseaman, Phoebe Pittman and Phillip Knighten. Also present were city administrator Steve Diers and city engineer John Fallis.

Mayor Andrews commented he had learned at a recent mayor's meeting that if a council member is attending a council meeting remotely, that the mayor should announce the reason why he/she is not attending in person.

Jessica Gintz was present to discuss a request from Rotary for the Santa's Shining Light display for 2022. The lighting event will take place the Saturday after Thanksgiving. Participants will start putting up their displays November 15 and will start taking them down the week of New Year's Day. They will get timers to shut the lights off during the day, this was not done this past year. They have talked to park and rec director Tyler Mitchell and have said they would pay toward electricity and he is fine with that. This item will be on the next regular agenda for council approval.

With RAGBRAI coming to town this summer, Main Street Charles City has approached the council about sprucing up the Main Street bridge by painting the light poles and railings. Quotes have been received with Johnson Painting being low at \$12,850. The railings will be scraped, rust proofed and painting leaving them in place. Since this project wasn't budgeted for this year, the LED replacement project will be put off another year and use those funds for this. Question on if there is any warranty on the paint that will be used and this will be researched and answered back to council for the meeting on Monday.

Staff is looking into doing another phase of lighting on the Corporate Drive water tower. They are recommending adding lights for the city logo and more of the tower itself. This will also allow more colors to be utilized for lighting up the tower. MUSCO lighting will again be doing this work. Two quotes were received, one for adding two lights (\$27,600) and another for adding four (\$32,600). Council consensus was to go with four, so this item will be on the next regular agenda for council action.

A request for implementing a fuel surcharge has been received from Jendro. They have calculated that the first month charge for this would be approximately \$557. They would like to implement this added charge until the price of fuel comes back down to \$3.50. Staff is recommending that the city absorb this fee rather than increase the charges to the residents, at least for 9 to 12 months. If the prices don't decline by then, we could then look at increasing the resident's fees to help cover the fuel surcharge. Much discussion on how to handle it if Jendro asks for a rate increase due to the CPI in September. If the higher price of fuel is included in an increase in the CPI, then this fuel surcharge should be eliminated. City administrator Diers commented that if we see the expected decrease in the spring clean up fees by going to a drop off event, we may keep the total cost increases to a minimum. Discussion on if we should make this fuel surcharge for a finite period of time, for example 6 months, and reevaluate at that time. This will be on the next regular agenda and if staff receives any new information, they will pass it on to council.

Mayor Andrews left the meeting and mayor protem Freeseaman took over chairing the meeting.

Speed study on South Grand was discussed. Council had previously requested that city staff contact the DOT about conducting a speed study on South Grand. Concern was that the speed limit coming into town near Molstead Motors was too high and council would like to reduce the speed limit there for safety reasons. The DOT did their study, basing it on number of accidents

and traveling speed. There have been 15 accidents in this stretch which is below the state average. Looking at the speed, their recommendation is actually to raise the 35 mph speed limit area to 40 mph. Council consensus was to leave these speed zones alone and not to raise any. Chief Anderson commented that most of the accidents that occur in this area involve personal injury so he will be coming to council in the near future to discuss speed cameras. Council member Freeseaman asked if there was data for how many speeding tickets are written in this stretch of S. Grand. Chief Anderson replied that he can get that information and will get it out to council. The last two years have made it difficult to be proactive in doing traffic stops due to being short staffed. He also commented that there has been an increase nationwide in speeding.

With more dumpsters being placed in city right of way lately, staff would like to implement a dumpster permit process to help regulate this. They are recommending that the provider of the dumpsters put reflective signs or tape on each one to make more visible at night and regulate where and when these can be placed in city right of way. In order to enforce these regulations, they need to be in an ordinance. There would be no cost for this permit and it would be the responsibility of the business, not the citizen, to get this permit. Any haulers who currently have a license with us would get the information on this new ordinance once it is passed by council. This ordinance would pertain only to dumpsters in city right of way, not on private property. This will be on the next regular agenda for council consideration.

An overnight town agreement for RAGBRAI has been submitted by the Des Moines RAGBRAI organization. It outlines what is expected from the town and from the organization for this event. City attorney Slotter and insurance agent Bob Ingram have both looked at the agreement and think it is okay. This will be on the next regular agenda for council action.

After much discussion at several meetings, a final right of way agreement with Omnitel has been drafted. Omnitel has requested that this agreement cover the entire city, not just the areas they have specified in the next three phases of their buildout. Staff has stated that they still need to come in to city hall to get a right of way permit each time they will be working in the city's right of way, so we will have some authority in where they place it. So, they have included the entire city in this agreement. Now we just need to decide on a one time fee for this. Last fall, we charged \$250 for their connection to Chautauqua. We really want to encourage fiber installation in the city, so staff is thinking that \$350 should cover the staff time involved in this process. We will continue to work with them to encourage building out as much as possible in the city. Some discussion on a possible franchise agreement with Omnitel. Diers commented that a franchise agreement would give more authority to Omnitel, so we should probably steer away from that. Consensus of council was that we need to get some reliable fiber in the city to remain viable.

We have been awarded a Water Quality Initiative grant for the edible arboretum pathways of \$100,000. City attorney Slotter will review the agreement for this award, it's the same as the previous one. Total cost of the project is \$220,000 and our share will come from sponsored project funds and donations. This will be on the next regular agenda for council action and the project needs to be completed by 12/31/23.

The 2020 Sanitary Sewer project is ready for acceptance. This was actually done in November 2020 but the contract required that videos of the lined sewer be provided along with a written report. Due to loss of key staff, this took longer to get completed. We have received all of this info, so we are ready to relinquish the retainage and accept the project. This will be on the next regular agenda for council consideration.

City administrator Diers reported that a new way to fill pot holes has been explored recently. It consists of little bags, with a build in binder agent, that get put into a pothole. When cars drive over this, it causes them to fill in the hole and bind together. We will be conducting the

annual spring clean up in a new way by doing a drop off event at Shaw Avenue dump site. This is being done due to increasing costs and shortage of labor to conduct the curbside process. We are working on ways to help those who can't get their items to Shaw Avenue. The dump site will be monitored to keep illegal dumping from happening. The flag committee has narrowed down the new city flag design to 4 options. They have released a survey for the public to participate in through April 8 to help choose which one will be the new city flag. The city of Manly is requesting to join our safety group. Staff took a tour of the Pure Prairie Farms facility today. They would like to expand, there is a bottleneck with storage. The city could allow use of the section of Main Street in front of their facility while they are adding on.

There being no further business, meeting was adjourned.

Dean Andrews, Mayor

Attest:

Trudy O'Donnell, City Clerk

COUNCIL MINUTES
REGULAR MEETING
APRIL 4, 2022

Charles City city council met in regular session on April 4, 2022 at 6:00 p.m. in council chambers. Mayor Dean Andrews presided and the following council members were present: Keith Starr, Patrick Lumley, 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 Pittman to approve the agenda. Ayes – 5

Motion by Knighten, second Pittman to approve the March 14 and 21 minutes. Ayes – 5

An outdoor service extension for Tellurian Brewery was included in the consent calendar. Lanie Sanvig was present to discuss this with council. It is the same footprint as in the past and will be used for RAGBRAI and Chucktoberfest. The perimeter will be fenced and patrolled when used. Any food trucks will be put partially on their property so no one will have to leave the fenced area to get food. Motion by Freeseaman, second Pittman to approve the consent calendar. Ayes – 5. Consent calendar consisted of the following: consider approval of outdoor service for Tellurian, consider approval of 5 day Class B beer permit for Barry's Clubhouse, consider renewal of Casey's Class E liquor license w/ Sunday Sales and ownership update, consider renewal of Kwikstar Class C beer permit w/ Sunday Sales and payment of claims (including those approved by other boards):

Pam Oost, from TLC, was present to request a proclamation for Week of the Young Child for the first week of April. Motion by Freeseaman, second Pittman to approve. Ayes – 5. Mayor Andrews then read the proclamation.

A street closure request has been submitted for the Santa Shining Light display for November and December of this year. They are asking for the blocks of Kelly Street, Jackson Street and Blunt Street around Central Park be closed on November 26 from 4:00 to 8:00 p.m. for the lighting event. Motion by Knighten, second Freeseaman to approve the request. Ayes – 5

Mayor Andrews opened the public hearing on the 2022 Street paving project. Affidavit of publication dated 3/25/22 was informally filed. Mayor Andrews asked for written comments. There being none, he then asked for oral comments. There were none. Motion by Freeseaman, second Knighten to close the hearing. Ayes – 5. This project will include both PCC paving and HMA paving and will include portions of the following streets: Riverside Drive, Riverside Avenue, Eighth Avenue, Leland Avenue and Kellogg Avenue. Two alternate bids were included, one for Leland Avenue and one for Kellogg Avenue and four addendums were issued. The addendums did not change the scope of the project from the preliminary plans. Council member Freeseaman introduced Resolution 42-22 entitled, "RESOLUTION APPROVING FINAL PLANS, SPECIFICATIONS AND FORM OF CONTRACT FOR THE 2022 STREET PAVING PROJECT, CHARLES CITY, IOWA" and moved for adoption. Second to adopt Pittman. Resolution duly passed on roll call vote as follows: Ayes – Starr, Lumley, Freeseaman, Pittman, Knighten. Nays – none. Bids were let with Wicks Construction being the low bidder at \$1,446,113.55 for base bid and both alternates with Cole Excavating coming in next at \$1,557,111.11. The engineer's estimate was \$1,355,600. City engineer Fallis is recommending accepting the base bid and both alternate bids. Council member Knighten introduced

Resolution 43-22 entitled, "RESOLUTION APPROVING AWARD AND CONTRACT AND BOND FOR 2022 STREET PAVING PROJECT" and moved for adoption. Second to adopt Freeseaman. Resolution duly passed on roll call vote as follows: Ayes – Starr, Lumley, Freeseaman, Pittman, Knighten. Nays – none.

Mayor Andrews opened the public hearing on Ordinance 1157 AN ORDINANCE REPEALING CHAPTER 3, ELECTION PRECINCTS, OF THE CHARLES CITY CODE OF ORDINANCES AND ADOPTING A NEW CHAPTER 3, ELECTION PRECINCTS, OF THE CODE OF ORDINANCES OF THE CITY OF CHARLES CITY. Affidavit of publication dated 3/25/22 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 Pittman to close the hearing. Ayes – 5. This ordinance will add a rural portion of the county into the city's 3rd precinct so that those rural people can share a city polling place. This is coming about because of the county's need to re-district their voting districts. County auditor Gloria Carr is asking that we consider waiving the second and third readings tonight and adopt the ordinance so that she can get the necessary paperwork timely filed with the secretary of state's office. Motion by Freeseaman, second Pittman to approve the first reading of Ordinance 1157. Ayes – 5. Council member Freeseaman read the ordinance. Motion by Starr, second Knighten to waive the second and third readings of Ordinance 1157. Ayes – 5. Motion by Freeseaman, second Starr to adopt and publish Ordinance 1157. Ayes – 5.

A right of way agreement with Omnitel for installation of fiber within the city limits has been discussed at several meetings. They would prefer that the agreement cover the entire city for their planned three phase project. City staff are recommending allowing that since each time they work in the right of way, a permit needs to be secured from the city engineer. At that time, we can review the proposed work area and be sure it's all done properly. Plus, we are happy that fiber is being installed in the city and hope that it expands out to encompass more residents. This agreement is for a 20 year term and a one time fee of \$350 has been designated. Councilmember Starr introduced Resolution 36-22 entitled, "RESOLUTION APPROVING AGREEMENT REGARDING USE OF PUBLIC RIGHT OF WAY FOR FIBER OPTIC COMMUNICATIONS SYSTEM" and moved for adoption. Second to adopt Pittman. Resolution duly passed on roll call vote as follows: Ayes – Starr, Lumley, Freeseaman, Pittman, Knighten. Nays – none.

We have received a request from LJP, who owns Jendro Sanitation, for a fuel surcharge to be implemented due to the rising costs of fuel. They are asking for this to be in place as long as fuel is over \$3.50/gallon. The initial fee calculates out to \$537 for the month. The city will absorb these extra fees without raising the prices that the residents pay. The surcharge agreement covers the next 7 months and we will re assess at that time to see if the monthly charges to residents needs to be adjusted. Council member Starr introduced Resolution 44-22 entitled, "RESOLUTION APPROVING A TEMPORARY SURCHARGE FOR FUEL COSTS PURSUANT TO THE RESIDENTIAL SOLID WASTE AND RECYCLABLE MATERIALS COLLECTION AGREEMENT WITH JENDRO, INC" and moved for adoption. Second to adopt Pittman. Resolution duly passed on roll call vote as follows: Ayes – Starr, Lumley, Freeseaman, Pittman, Knighten. Nays – none.

Water superintendent Cory Spieker has received quotes for phase 2 of the water tower lighting project to install additional lighting on the Corporate Drive water tower. It will put more lighting on the logo and will also allow more colors to be utilized. He received quotes to add 2 or 4 additional lights. The two light quote is \$27,600 and the four light quote is \$32,600. Council member Starr introduced Resolution 45-22 entitled, "RESOLUTION APPROVING PHASE 2 OF THE WATER TOWER LIGHTING PROJECT" and moved for adoption. Second to adopt Pittman. Resolution duly passed on roll call vote as follows: Ayes – Starr, Lumley, Freeseaman, Pittman, Knighten. Nays – none. Council member Freeseaman commented that he

would like us to consider implementing a program for people to pay to light up the water tower in certain colors for special events.

An overnight town agreement has been submitted from the RAGBRAI organization for us to approve. It spells out what the city and their organization will be responsible for to hold this event. Bob Ingram and city attorney Brad Sloter have both reviewed this agreement. Council member Freeseaman introduced Resolution 46-22 entitled, "RESOLUTION APPROVING RAGBRAI OVERNIGHT TOWN AGREEMENT" and moved for adoption. Second to adopt Pittman. Resolution duly passed on roll call vote as follows: Ayes – Starr, Lumley, Freeseaman, Pittman, Knighten. Nays – none.

City engineer Fallis has reviewed the 2020 Sanitary Sewer Lining project and is recommending acceptance of the project and final payment. The company just finished with the videoing of the newly lined sewer mains and provided copies to the city, so it is now complete and ready for acceptance. Municipal Pipe Tool is the company that performed this service for a total cost of \$397,466.61 of which retainage of \$19,873.33 can now be paid. Council member Starr introduced Resolution 47-22 entitled, "RESOLUTION ACCEPTING THE 2020 SANITARY SEWER LINING PROJECT, CHARLES CITY, IOWA AND APPROVING FINAL PAYMENT" and moved for adoption. Second to adopt Lumley. Resolution duly passed on roll call vote as follows: Ayes – Starr, Lumley, Freeseaman, Pittman, Knighten. Nays – none.

To prepare for RAGBRAI coming to town this summer, Main Street Charles City is asking the city to consider painting the railings and light poles on the Main Street bridge. We have received two quotes for this with Johnson Painting of Charles City being low quote at \$12,850. The other quote was from Iowa Wall Systems for \$53,050. The quotes are for 16 poles which include 14 light poles on the bridge and two traffic light poles. Street superintendent Cory Spieker has stressed the importance of keeping paint chips from falling into the river and to have the work completed by July 28th. We will be delaying the LED light replacement project one year so we can do this project this year. Council member Pittman introduced Resolution 48-22 entitled, "RESOLUTION APPROVING MAIN STREET BRIDGE RAILING AND LIGHT POLE PAINTING PROJECT" and moved for adoption. Second to adopt Starr. Resolution duly passed on roll call vote as follows: Ayes – Starr, Lumley, Freeseaman, Pittman, Knighten. Nays – none.

An ordinance establishing a dumpster permit has been drafted and submitted to the council for review. With more and more dumpsters being used by residents and being placed in the street right of way, staff feels it is important to have certain requirements for them. We would like them to have some type of reflective material on them to be more readily seen at night, regulate how long they can be placed in the city street right of way and where they can be placed. A permit will need to be secured by the company placing the dumpster and there will be no charge for the permit. Motion by Starr, second Pittman to approve the first reading of Ordinance 1158 AN ORDINANCE AMENDING CHAPTER 106 – COLLECTION OF SOLID WASTE OF THE CHARLES CITY CODE OF ORDINANCES BY ADDING A NEW SECTION 106.10 TO PROVIDE REGULATIONS FOR PERMITTING AND USE OF DUMPSTERS. Ayes – 5

The city has been awarded a WQI grant of \$100,000 to be used toward Phase 2 of the arboretum project, which is installing pathways through the edible arboretum located on Clark Street. The city will pay \$20,000 of this project for city sidewalk replacement, \$100,000 will be funded by the grant, \$90,000 from the city's sponsored project funds and \$10,000 from local donations. The city sidewalk portion will not be funded by the grant but it needs to be done. Council member Pittman introduced Resolution 49-22 entitled, "RESOLUTION APPROVING CONTRACT BETWEEN IOWA DEPARTMENT OF LAND STEWARDSHIP AND THE CITY OF CHARLES CITY FOR WATER QUALITY INITIATIVE GRANT" and moved for adoption. Second to adopt Freeseaman. Resolution duly passed on roll call vote as follows: Ayes – Starr, Lumley, Freeseaman, Pittman, Knighten. Nays – none.

City clerk O'Donnell reported that the next meeting will be a planning session on April 13 at 6:00 p.m.

City administrator Diers reported that a meeting was held with Pure Prairie Farms last week with discussions on Main Street in that area and Dana Park. Spring clean up will be held April 28 through May 7. The flyer for this will go out in the Shopper April 19. Local service groups have been recruited to help those residents who have trouble getting their items to Shaw Avenue. Staff has been working on acquiring a nuisance property and this will be brought to council for approval soon. Staff is working on property located at 1800 Roling as well. There is still time to vote on the 4 possible designs for the new city flag. Once the design is chosen, we hope to have flags available at city hall for sale.

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

Dean Andrews, Mayor

Attest:

Trudy O'Donnell, City Clerk