

COUNCIL MINUTES
REGULAR SESSION
FEBRUARY 16, 2021

Charles City city council met in regular session on February 16, 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 Starr to approve the agenda. Ayes - 5

Motion by Joerger, second Starr to approve the minutes of the February 1 and 3 meetings. Ayes - 5

Motion by Joerger, second Pittman to approve the consent calendar. Ayes - 5. Consent calendar consisted of the following: approve 01/21 financials for city of Charles City and CC Public Employees Health plan, approve filing the following liens for unpaid utility bills - \$155.14Acct5032540004, \$901.78Acct5007230003, \$453.39Acct5022060006, \$855.79Acct5011460008, \$255.16Acct5006490002, \$174.73Acct5013490004, \$37.31Acct5013050000, \$131.21Acct5009890001, approve change in ownership for Dollar General Store #2414, approve Class LE liquor license for Rush Stop and payment of claims (including those approved by other boards):

71601-71603	DO IT ALL SERVICES, serv.	\$1,115.00
71604-71617	PAYROLL ENDING 01/30/2021	\$90,972.45
71618	CITY OF CHARLES CITY, payroll liabilities	\$932.78
71619-71620	CC PUBLIC EMP HEALTH PLAN, payroll liabilities	\$8,829.10
ACH	COLLECTION SERVICE CENTER, payroll liabilities	\$51.68
71621	EMC NATIONAL LIFE CO, payroll liabilities	\$6.00
ACH	EFTPS, payroll liabilities	\$24,922.32
ACH	FAMILY COMM CREDIT UNION, payroll liabilities	\$1,608.00
ACH	ICMA, payroll liabilities	\$2,280.22
ACH	FEBRUARY FGP STIPEND CHECKS	\$10,471.50
ACH	CARMEN RAMSAY (FGP), mileage	\$11.20
ACH	MAVIS BEENEN (FGP), mileage	\$0.96
71622	CENTURYLINK, serv.	\$465.50
71623	KWIK TRIP INC, supp.	\$88.00
71624	WEX BANK, supp.	\$5,279.97
71625	SGH REDGLAZE HOLDINGS INC, serv.	\$878.00
71626	VISA, supp.	\$665.60
71627	CENTURYLINK, serv.	\$234.00
71628	MARCO, serv.	\$149.61
71629	MASON DEETER, utility deposit refund	\$22.94
71630	BRANDON FAIRHOLM, utility deposit refund	\$90.00
71631	KELLY FUEHRER, utility deposit refund	\$90.00
71632	STEVE HANSON, utility deposit refund	\$60.00
71633	ALEX HUFFMAN, utility deposit refund	\$90.00
71634	KRISTOFER KING, utility deposit refund	\$90.00
71635	BRAD LABARGE, utility deposit refund	\$10.00
71636	JENNIFER THIELE, utility deposit refund	\$90.00
71637-71643	VOIDED	**VOIDED**

71644	TRENT PARKER, serv.	\$4,162.41
ACH	BANCORPSV,	\$353.12
ACH	BANCORPSV,	\$128.01
ACH	FIRST CITIZENS-CC,	\$15.49
ACH	FLOYD SWCD,	\$4,698.10
ACH	PORTZEN CONSTRUCTION,	\$710,805.07
71645	911 CUSTOM LLC, supp.	\$121.00
71646	AGVANTAGE FS, supp.	\$796.79
71647	AHLERS & COONEY PC, serv.	\$490.50
71648	ARIES INDUSTRIES INC, serv.	\$846.91
71649	ARNOLD MOTOR SUPPLY LLP, supp.	\$116.36
71650	ASBESTROL INC, serv.	\$2,980.00
71651	AUTOZONE, supp.	\$46.29
71652	BREITBACH CHIROPRACTIC	**VOIDED**
71653	CARQUEST AUTO PARTS	**VOIDED**
71654	CARQUEST AUTO PARTS, supp.	\$1,102.54
71655	CHARLES CITY PRESS INC, serv.	\$754.28
71656	CHEMSEARCH, supp.	\$225.36
71657	CINTAS, supp.	\$150.72
71658	CINTAS CORPORATION, serv.	\$36.90
71659	CJ COOPER & ASSOCIATES INC, serv.	\$385.00
71660	COMPRESSED AIR & EQUIPMENT, supp.	\$345.78
71661	DO IT ALL SERVICES LLC, serv.	\$1,090.00
71662	ELECTRONIC ENGINEERING, supp.	\$158.95
71663	FAREWAY STORE, supp.	\$49.73
71664	FLOYD COUNTY AUDITOR, supp.	\$660.17
71665	GRAINGER, supp.	\$114.56
71666	HAZARDOUS SUBSTANCE RESPONSE, serv.	\$5,635.76
71667	HINDERS TREE SERVICE LLC, serv.	\$475.00
71668	IDOT-CASHIER'S OFFICE, supp.	\$110.55
71669	IDOT-CASHIER'S OFFICE, supp.	\$312.24
71670	IA MUN FINANCE OFFICERS ASSOCIATION, serv.	\$50.00
71671	IOWA DEPT INSPECTIONS/APPEALS, serv.	\$150.00
71672	IOWA STATE UNIVERSITY, serv.	\$200.00
71673	JENDRO SANITATION SERVICES, serv.	\$48,852.98
71674	JENDRO SANITATION SERVICES, serv.	\$238.00
71675	JOHN DEERE FINANCIAL, supp.	\$456.61
71676	KEYSTONE LABORATORIES, serv.	\$576.70
71677	L&T PAINTING INC, serv.	\$11,284.00
71678	LESSIN SUPPLY COMPANY	**VOIDED**
71679	LESSIN SUPPLY COMPANY, supp.	\$220.24
71680	LESSIN SUPPLY COMPANY, supp.	\$97.09
71681	LOOKOUT POINT COMMUNICATIONS, serv.	\$5,118.75
71682	MARTIN EQUIPMENT, supp.	\$8,415.00

71683	MARTIN GARDNER ARCHITECTURE, serv.	\$3,352.67
71684	MARVIN PLANNING CONSULTANTS, serv.	\$2,000.00
71685	METERING TECHNOLOGY SOLUTIONS, supp.	\$4,447.07
71686	MICK GAGE PLUMBING & HEATING, serv.	\$466.87
71687	MIDAMERICAN ENERGY, serv.	\$103.96
71688	MIKE'S C&O TIRE INC, supp.	\$738.03
71689	MIKE'S C&O TIRE INC, supp.	\$500.00
71690	MISSISSIPPI LIME COMPANY, supp.	\$13,069.52
71691	NCIN TASK FORCE, serv.	\$3,060.80
71692	NCL OF WISCONSIN, supp.	\$74.94
71693	NEWBAUER INC, serv.	\$319.74
71694	NORTH IOWA LAWN & SPORTS, supp.	\$85.22
71695	NORTHERN SAFETY CO INC, supp.	\$99.88
71696	O'REILLY AUTOMOTIVE INC, supp.	\$145.12
71697	OFFICE DEPOT, supp.	\$29.81
71698	PLANSCAPE PARTNERS, serv.	\$825.00
71699	POSTMASTER, serv.	\$935.00
71700	RILEY'S INC, supp.	\$526.41
71701	SCHUETH ACE HARDWARE	**VOIDED**
71702	SCHUETH ACE HARDWARE, supp.	\$401.16
71703	SHERWIN-WILLIAMS CO, supp.	\$189.02
71704	SJE RHOMBUS, serv.	\$1,250.00
71705	SNAP-ON TOOLS/DUANE KAY, supp.	\$124.95
71706	SUPERIOR LUMBER INC, supp.	\$332.89
71707	SUPERIOR WELDING SUPPLY CO, supp.	\$19.25
71708	T AND K TRACTOR REPAIR, supp.	\$349.95
71709	TEK INC, serv.	\$6,250.00
71710	TERRACON CONSULTANTS INC, serv.	\$2,358.75
71711	TRIUMPH SURPLUS LLC, serv.	\$9.77
71712	USA BLUEBOOK, supp.	\$827.36
71713	WISCONSIN INDEPENDENT NETWORK, serv.	\$1,200.00
71714	BREITBACH OFFICE LLC, serv.	\$55.00

TOTAL

\$1,006,479.93

January Receipts - Gen-96191.90;Dispatch-38620.02; P/R C/I - 43.89;CommEq-33.08;H/M-32.61;RAGBRAI-.27;RUT-88522.64;EmpBen-10891.41;CVTC-10919.53;Emerg-630.16;OptTx-71603.11;TIF-2388.12;LibrTr-916.56;FGP-24811.62;PubHous-60754.84;Sect8-79319.22;'18rehabgrant-44549.00;DebtServ-3434.84;'20CapFnd-4475.00;CWBridge-261001.00;Water-213126.16;Sewer-179841.59;WasteFnd-70342.10;Transit-25785.70;SWU-20784.31;FireExt-101.00

January Disbursements - Gen-234277.19;Dispt-24583.55;RUT-53181.02;EmpBen-89719.20;CVTC-1665.55;LibrTr-2477.10;FGP-21928.08;PubHous-48668.14;Sect8-73981.76;'18rehab-5358.00;DebtServ-500.00;StreetRel C/I-116566.47;'20CapFnd-788.00;CWBridge-11188.95;FibertoHome-963.92;Water-79963.72;Sewer-53861.78;WWTP Expansion-1557215.18;WasteFnd-50374.20;Transit-28122.80;SWU-3727.86;FireExt-329.93

A request has been received from the Rotary Club for a car show to be held Saturday, July 10 at Central Park. They are requesting that the following streets be closed from 8:00 a.m. to 3:00 p.m. : Blunt St from N Main to N Jackson, N.

Jackson from Blunt St to Clark Street and Kelly St from N. Main st about halfway to N. Johnson. This will be part of the Christmas in July event. Motion by Joerger, second Pittman to approve the request. Ayes - 5

A request has been received by the resident at 107 Central Avenue to waive the \$40 sidewalk shoveling bill she has been charged. City staff reported that all but 4 sidewalks in the city were shoveled by residents for this particular snow event. This resident stated she got the notice to shovel and called that night to have someone clear it off. The next day, the city had it shoveled the next day so she didn't have time to have it removed. Council asked if we had someone that would be cheaper on these charges. Mayor Andrews replied that the city does not want to be in the snow shoveling business. Motion by Joerger, second Freeseaman to leave the charge stand. Council member Knighten asked if the tag that is hung gives a deadline for the snow to be removed and police chief Hugh Anderson replied no, it just says the sidewalk is in violation and the snow has to be removed. Discussion on how to best notify the public on this ordinance. Vote was as follows: Ayes - Joerger, Pittman, Starr. Nays - Freeseaman, Knighten.

Mayor Andrews opened the public hearing on the maximum levy for FY22. Affidavit of publication dated 2/5/21 was informally filed. Mayor 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. This maximum levy consists of the following levies: \$8.10 general levy, transit levy, liability/property/self- insurance levy, emergency management levy, emergency levy, police/fire retirement levy, FICA/IPERS levy and other employee benefits levy. If this levy increases more than 2% from the previous year, the budget will need to be approved by a super majority. Council member Freeseaman introduced Resolution 15-21 entitled, "RESOLUTION APPROVING THE MAXIMUM TAX DOLLARS FROM CERTAIN LEVIES FOR THE CITY'S PROPOSED FISCAL YEAR 2021-2022 BUDGET" 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.

An addendum needs to be added to the reserved parking lease that was approved at the last meeting. There will be a \$350/year rent for the parking spots identified in the lease. This is the same amount charged to HyVee and Theisen's for their cart corrals that are in the city parking lot at their stores. Council member Joerger introduced Resolution 16-21 entitled, "RESOLUTION APPROVING ADDENDUM TO LEASE AGREEMENT" 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

The sewer agreement for Tony Lessin has been discussed previously. The original agreement was changed to put in the terms that Tony is requesting, such as no annexation for 10 years and deleting the power of attorney clause. Staff is still recommending that the city only extend sewer service through annexation. City attorney Slotter stated that according to city code, an extension of sewer to properties outside of city limits require approval of a written agreement. Motion by Joerger, second Pittman to deny the extension of sanitary sewer to Tony Lessin's property. Ayes - 5

The lighting of the water tower on Corporate Drive has been discussed previously. We have two quotes from MUSCO lighting: one for regular lighting of \$13,700 and one for color changing lighting for \$28,000. Both options will require some additional electrical work to be done and the quote for that from Perry Novak is \$17,500. The color option allows us to turn the lights on and off as we want whereas the regular lighting operates on a photo cell so it will go on and off automatically. This system is like the one MUSCO installed at the school and water superintendent Cory Spieker talked to them about it. They really like it, it's easy to operate and MUSCO has excellent customer service if they do have problems. Question on if residents in the area will have any issues with the lighting and there is only one resident close to this tower and it shouldn't be a problem. Council thinks that this is like a big billboard advertising for the city and that the color option would draw more attention. Council member Freeseaman introduced Resolution 17-21 entitled, "RESOLUTION APPROVING LIGHTING FOR THE CORPORATE DRIVE WATER TOWER" 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.

Park and rec director Tyler Mitchell has presented a request to purchase a rough mower for the golf course. He has received several quotes and would like to purchase a 2018 JD mower for \$30,000 from Van Wall Equipment. They tested it last fall and were very happy with it's condition and how it operated. Council member Freeseaman asked if there was a warranty and Mitchell replied he thinks there is a 5 year warranty. Council member Freeseaman introduced Resolution 18-21 entitled, "RESOLUTION APPROVING PURCHASE OF MOWER" 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.

The 28E agreement between public housing and Iowa Department of Inspections and Appeals for assistance with fraud investigations for the Section 8 program is up for renewal. This agreement is unchanged from last year and it has proved very beneficial to the housing department. Council member Joerger introduced Resolution 19-21 entitled, "RESOLUTION APPROVING RENEWAL OF THE AGREEMENT BETWEEN IOWA DEPARTMENT OF INSPECTIONS AND APPEALS AND CHARLES CITY HOUSING AND REDEVELOPMENT AUTHORITY" 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

Fire chief Eric Whipple is recommending that the overhead doors at the fire station be replaced. They are over 30 years old. He has received several quotes for this project and is recommending accepting the quote from Double Z Construction for \$31,511. The original quote was for 10 doors but one door will not be replaced due to the upcoming remodel for the ambulance bay so the quote was adjusted for that. This project is included in the current year budget. Council member Joerger introduced Resolution 20-21 entitled, "RESOLUTION APPROVING QUOTE FOR OVERHEAD DOORS AT THE FIRE STATION" 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.

The budget is finalized for FY22 and a public hearing needs to be held. The levy will be going down from \$16.02 to \$15.98. Items that drove most of the costs are the CW Bridge, remodel of the fire station to accommodate the ambulance, donations to TLC and depot projects, ambulance payment and funding for remodel costs at the 401 N. Main building. The levy decreased for transit due to the federal government paying for bus driver salaries due to COVID-19. Budgets are due to the state by March 31. The public hearing has been set for March 1. Council member Joerger introduced Resolution 21-21 entitled, "RESOLUTION SETTING DATE FOR PUBLIC HEARING ON THE FY22 BUDGET" 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.

An agreement with SEH has been drafted for the storm water project near the intersection of Grove St and Illinois Street. Bailey Nurseries had hired an engineer to analyze two bridges that access the nursery property there and they discovered that there was severe erosion on the embankment near one bridge. This is caused by the overflow of storm water there from the street since there is inadequate storm sewer in this area. The new owner of this property, Paul Rottinghaus, has agreed to pay \$15,000 toward this proposed storm sewer project. The project involves reconstructing Grove Street, add storm sewer to discharge flow directly into Sherman Creed, rebuild the street embankment and place new guardrails. Estimated cost of the project is \$135,000 and SEH is proposing a lump sum of \$9800 to design it. Council member Freeseaman asked if there were other storm sewer projects that have been waiting to be done and should be considered first. City administrator Diers replied that we've know about this issue on Grove Street for quite some time and now it needs to be done. Mayor Andrews commented that since it is our street water causing the issue with their bridge, we should correct it. Council member Joerger introduced Resolution 22-21 entitled, "RESOLUTION APPROVING ENGINEERING SERVICES AGREEMENT WITH SEH FOR THE GROVE STREET PROJECT, CHARLES CITY, IOWA" 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.

Change order #3 for the WRRF project has been prepared for council consideration. This is in regard to the 90 day work stoppage that occurred on this project. Numerous negotiations have been held on this issue and an amount of \$260,323.36 has been determined for damages incurred by Portzen Construction. City attorney Slotter stated that the contract states that certain damages will be paid due to stoppage. He has reviewed all the documents and is recommending approval of this agreement. Council member Freeseaman introduced Resolution 23-21 entitled, "RESOLUTION APPROVING MUTUAL RELEASE AND SETTLEMENT AGREEMENT WITH FOX ENGINEERING AND PORTZEN CONSTRUCTION" 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.

An agreement has been drafted with Fox Engineering for the \$260,323.36 of damages the city will pay to Portzen for the work stoppage. This agreement states that Fox Engineering will reimburse the city for this payment. Council member Starr introduced Resolution 24-21 entitled, "RESOLUTION APPROVING MUTUAL RELEASE AND SETTLEMENT AGREEMENT WITH FOX ENGINEERING" 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.

Change order #3 for the WRRF is an increase of \$260,323.36 for the payment to Portzen for damages caused by the work stoppage. Council member Joerger introduced Resolution 25-21 entitled, "RESOLUTION APPROVING CHANGE/EXTRA WORK ORDER #3 FOR WATER RESOURCE AND RECOVERY FACILITY PROJECT, CHARLES CITY, IOWA" 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.

Change order #4 for the WRRF has been prepared for changes made to the contract items as follows: deduct \$3500 for restrained joints, add \$11437.65 for raw pump PLC control, add \$13,715.10 for equalization pump control system and add \$70,271.25 for imported material for EQ clay liner for a net total increase to the contract of \$91,924.00. Fox Engineering has reviewed this change order and is recommending approval. Council member Starr introduced Resolution 26-21 entitled, "RESOLUTION APPROVING CHANGE/EXTRA WORK ORDER #4 FOR WATER

RESOURCE AND RECOVERY FACILITY PROJECT, CHARLES CITY, IOWA” 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

Pay estimate #16 for the WRRF project in the amount of \$710,805.07 has been submitted by Portzen Construction. Fox Engineering has reviewed this request and is recommending approval. Council member Joerger introduced Resolution 27-21 entitled, “RESOLUTION APPROVING PAY ESTIMATE #16 FOR WATER RESOURCE RECOVERY FACILITY PROJECT” 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.

Popp Excavating was previously awarded a bid to demolish the structure at 806 N. Grand owned by the city. The city has recently purchased another property with a structure that needs to be demolished and would like to add this to the contract with Popp Excavating. Popp has given a quote of \$11,250 for the additional demolition. Council member Joerger introduced Resolution 28-21 entitled, “RESOLUTION APPROVING CHANGE/EXTRA WORK ORDER FOR 2021 HOUSING DEMOLITION PROJECT, CHARLES CITY, IOWA” 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

City clerk O'Donnell reported that the next meeting will be a planning session on February 22 starting at 6:00 p.m.

City administrator Diers shared a copy of the new water bills being sent via email. We have about 25 people signed up for this. The library is working on their strategic plan. This Friday, staff will be consulting with our IT company and the school's IT person to work on going live with the city council meetings but still retain the Zoom function.

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

Dean Andrews, Mayor

Attest:

Trudy O'Donnell, City Clerk