

COUNCIL PROCEEDINGS  
JUNE 28, 2023

Charles City city council met in a planning session on June 28, 2023 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 engineer in training Brian Sullivan and city engineer John Fallis (via Zoom).

Mayor Andrews reported that he and council member Pittman had worked together to clean up the pedestrian mall between city hall and library recently.

Jennifer Lantz, Foster Grandparent director, gave a report on her recent trip to Washington , DC as part of the Americorps Seniors convention week. It was very informative. She has recruited 5 new grandparents but will be losing 5 very shortly.

The owner of Dean Jewelers, Dave Davidson, would like to install an ADA ramp to his store located at 223 N. Main. The ramp would be on the Kelly Street side to allow access to his new business located in the back of his building. He currently has 4 feet of the sidewalk but the ramp will be 4' wide. He is requesting about 6 inches of sidewalk to complete the ramp. Engineer in training Sullivan stated that the city needs to maintain a 4' wide sidewalk in order for us to be ADA compliant but we are not opposed to granting this easement. Davidson would pay all the costs associated with securing this easement. He had submitted measurements to staff but council requested that staff double check those measurements to be sure they are accurate. A public hearing needs to be held to grant this permanent easement and that will be set at the next regular meeting for July 17.

Renewal of the current 28E for operation of the Cedar Valley Transportation Center was discussed. This 28E governs the operation of this facility where the transportation departments of the city, county and state all share. This was started in 1999 and had a 25 year term. The board for this 28E entity has discussed this agreement and are recommending approval of renewing this agreement with a perpetual life. Any entity can leave the group with the proper notice. It has been a great partnership between all the entities with this facility. This item will be on the next regular agenda for council approval. Each of the other board members will be taking this back to their respective entities for approval also.

Tim Fox and Emily Garden were present to discuss the Thriving Communities program recently rolled out by the state. If a city would get this designation, it would open up tax credits to the developer who would take on the proposed project. Fox and Garden have been working on this application on behalf of the city. Their planned project would be a multi unit housing development in the SW development park on land owned by ADC. ADC has agreed to donate the land to a qualified developer who submits the proper application. If the Thriving Communities designation is granted, we would then present our project at a symposium this fall to many developers. The city needs to be the one to submit the application and they must be willing to participate financially in the project with something such as installing a street, waiving building permit fees or tax abatements. This development would be located at the end of 13<sup>th</sup> Street once it is extended to the west toward Corporate Drive. Council had several questions, such as funding and the possible request from the hospital to close off 13<sup>th</sup> Street near their facility for a possible future expansion. The application deadline is July 17, so we have a short amount of time to get this finalized. This will be on the next regular agenda for more discussion and possible council action. If they aren't ready to act on it then, it may be acted on at a special meeting that would be held on July 12 before the planning session.

The 4<sup>th</sup>/5<sup>th</sup> Avenue water main project is finally completed. We had issues with the contractor getting this project done in a timely manner. Right of way was left tore up for a long time and curb stops were left above ground. The contract listed a project completion date of April 30, 2021 and had liquidated damages stated of \$200/day past that date. The project ended up being 753 days past due which equals \$150,600. The amount left to pay for this project is approximately \$300,000 so we could subtract any damages from that payment. Staff is recommending pursuing the entire amount of damages. The contract has been sent to the city attorney for his review and make sure we are within our rights to ask for that full amount. Council commented that they would like to see us work with the contractor and get some more reasons on why it took so long to complete the work. City engineer Fallis stated that he had been in

communication with the contractor all along and communication was very poor with them. They never requested an extension but made comments that they were having problems getting materials. Fallis had asked them to provide documentation to that effect but they did not provide any. Concern over the weeds growing now in the right of way, seeding was done poorly. Council asked staff to discuss this further with the city attorney, reach out to the contractor again and put this item on the July 12 planning agenda to discuss further. If it's not quite ready to bring back on July 12, we will put it on the next planning agenda. Council member Lumley commented that the weeds in the right of way need to be taken care of for sure.

Police chief Hugh Anderson was present to discuss golf carts on city streets. The state has recently affirmed that golf carts can be registered as a UTV. He is recommending that the city pass a golf cart ordinance so that we can regulate what is needed on them to operate on city streets. Safety issue is still a big concern but if we require as many things as possible (such as headlights, tail lights, turn signals, etc) that will help. If a golf cart is registered as a UTV, we can't regulate what streets they drive on but a UTV can't be driven on the golf course or city parks. Consensus of the council was to draft a golf cart ordinance and be sure to address the safety of the carts. The golf cart ordinance for Clear Lake states that you must be 18 years of age with a valid driver's license and council agreed with that. Also allow only crossing of arterial roads, operate on streets with 25 MPH or less speed limit and operate in daylight hours only. Wanted it to also state that they can be used on the golf course only, not in other city parks. Staff will draft an ordinance and bring back to a future planning session for review.

Council member Pittman reported that park and rec board met recently to discuss the pool. They are looking to put this on a ballot for renovation and updating the current pool but adding amenities (splashpad) since the cost for a new pool is too high. Councilmember Starr reported that the AMR contract is all signed. The EMS levy will be on the ballot this fall. Mayor Andrews reported that he is going to Des Moines to meet with the national secretary of agriculture Tom Vilsack.

There being no further business, meeting was adjourned.

Dean Andrews, Mayor

Attest:

Trudy O'Donnell, City Clerk