

UNAPPROVED MINUTES
Earlham City Council Meeting
June 12, 2023

The Earlham City Council met in regular session on Monday, June 12, 2023, at Earlham City Hall. Mayor Lillie called the meeting to order at 7:00 p.m. and the following answered roll: Baskin, Frederickson, Mudge, Nelsen, Swalla. Also present: Clerk Hibbs, Police Chief Stringham, Public Works Superintendent Coffman, ECSD Superintendent Kaster.

1. Approval of Agenda

Motion by Frederickson, second by Mudge, to approve agenda.

Roll: Ayes – unanimous. Motion passes.

2. Public Forum - none

3. Consent Agenda:

a. Council meeting minutes for 5-8-23

b. Treasurer's Report for 6-12-23

c. Claims and Receipts Report for 6-12-23

Hibbs stated item c) has had Library bills added to the list after council received their packet.

Motion by Swalla, second by Frederickson, to approve consent agenda.

Roll: Ayes – unanimous. Motion passes.

4. Department Reports

a. Public Works - Gary Coffman, Public Works Supervisor

Normal mowing, trimming, spraying. Patched pot holes. Swalla questioned crack sealing. Gary is waiting for pricing. Worked on cemetery for Memorial Day. Pool is being filled and hopefully open by the end of the week. Lagoon project going good. Working on getting SRF Sponsored Project Storm Sewer project going. DNR did fish survey at Gendler pond. Dan Werts requested to do truck pull at Gendler again this year, with same details as last year. Consensus of Council agreed to this event at Gendler, and any donation he makes should go to the Freedom Fest committee. Gary stated a neighbor of his wants to hook into the private water line that is hooked to our water, out east of Birch on 6th. Consensus of council is that city has nothing to do with this and it is between the property owner and the owners of the line. City is not interested in taking over the private line. City will provide meter and reader if owner hooks into this line or city main.

b. Police Department – Chief Matt Stringham

Library event in the park went well. New AEDs in police cars. Deadline for application for new officer was the 9th. Only certified applicant was our part-time officer, Gary Rasmussen. Would like to have him hired by July 1st. No need for interview process since there is only one certified applicant. Mayor stated if he and Superintendent are in agreement, Gary just needs to be sworn in. Chief wants to start Camera program – people who have camera's on their house, sign up so if there is an incident in the area, police can check their video. Complaints about alcohol consumption in the park on Sunday nights. Chief stated there have been no incidents related to alcohol at the concerts. Drinking in public is not legal. Chief just wanted to get clarification from Council in how to deal with this. Members will give this some thought. Chief will get some information from state.

5. Board, Commission, Committee Reports

a. Public Safety Committee

Chairperson Mudge reported they discussed food trucks at their May 8, 2023 meeting. They reviewed several ordinances from other towns. The Charles City ordinance is very similar to Earlham's Solicitor, Peddler and Transient Merchant ordinance, except food truck is more defined. Discussion on permit fees, time restriction, revoking license, serving alcohol, locations. Need a two-business day notice for permit. Food Truck at private event needs a permit if parking on street. Mayor asked if Hometown Market should be required to get a permit when he serves from trailer in his parking lot. Consensus of council since it is his property and he is not a transient merchant, he does not need a permit. Hibbs will come to next meeting with a food truck ordinance for Council approval.

b. Human Resources Committee

Discussion on police holiday pay structure. Following discussion, consensus of committee decided to TABLE decision for further discussion by police department. Discussion on changing Amsden designation from Utility Billing Clerk to Deputy Clerk. TABLED awaiting more information on deputy clerk job description. Discussion on PTO accrual. Discussion on FY24 pay raises.

Motion by Mudge, second by Fredericksen to suggest a 5% raise overall for employees, with allowing the mayors discretion on individual raises if needed.

Roll: Ayes – unanimous. Motion passes.

Discussion on updated Employee Manual.

6. UNFINISHED BUSINESS

- a. Consider approval of Resolution No 23-21 Approving Continuation of the 28E Agreement Between the City of Earlham, Iowa, and the Earlham Board of Education, for the Use of Recreational Facilities, and Approving the Cooperative Maintenance Agreement.

Motion by Baskin, second by Mudge, to approve Resolution No 23-21 Approving Continuation of the 28E Agreement Between the City of Earlham, Iowa, and the Earlham Board of Education, for the Use of Recreational Facilities, and Approving the Cooperative Maintenance Agreement.

Roll: Motion passes.

- b. Consider approval of waiving and consent to any conflict of interest associated with Ahlers & Cooney, PC's representation of the Earlham Community School District with respect to the 28E Agreement and the City Representation.

Motion by Baskin, second by Nelsen, approving of waiving and consent to any conflict of interest associated with Ahlers & Cooney, PC's representation of the Earlham Community School District with respect to the 28E Agreement and the City Representation.

Roll: Ayes – unanimous. Motion passes

7. NEW BUSINESS

- a. Consider approval of First Reading of Ordinance No 433, An Ordinance Amending Chapter 122 of the Earlham Code of Ordinances, 2017, Peddlers, Solicitors, Transient Merchants, And Food Trucks

Motion by Fredericksen, second by Baskin, to approve First Reading of Ordinance No 433, An Ordinance Amending Chapter 122 of the Earlham Code of Ordinances, 2017, Peddlers, Solicitors, Transient Merchants, And Food Trucks

Roll: Ayes – unanimous. Motion passes.

- b. Consider approval of motion to Waive the Second and Third Readings of Ordinance No. 433.

Motion by Fredericksen, second by Baskin, to Waive the Second and Third Reading of Ordinance No 433.

Roll: Ayes – unanimous. Motion passes.

- c. Consider approval of Resolution No 23-18 A Resolution Setting Wages for Full-Time and Permanent Part-Time Employees, Fire Chief and Rescue Captain, of The City of Earlham, Iowa, Effective July 1, 2023

Motion by Swalla, second by Mudge, to approve Resolution No 23-18, a Resolution Setting Wages for Full-Time and Permanent Part-Time Employees, Fire Chief and Rescue Captain, of The City of Earlham, Iowa, Effective July 1, 2023.

Roll: Ayes – unanimous. Motion passes.

- d. Consider approval of Resolution No 23-19 Approving Tax Abatement Application for 540 NW Poplar Avenue

Motion by Baskin, second by Fredericksen, to approve Resolution No 23-19 Resolution No 23-1 Approving Tax Abatement Application for 540 NW Poplar Avenue, subject to application being amended to include legal description.

Roll: Ayes - unanimous. Motion passes.

- e. Consider approval of Resolution No 23-20 Authorizing Transfer of Funds for FY23
Motion by Mudge, second by Swalla, to approval of Resolution No 23-20 Authorizing Transfer of Funds for FY23.
Roll: Ayes - unanimous. Motion passes.
- f. Consider approval of Pay Application #7 for Sewer Lagoon Project from Blue Ribbon Builders in the amount of \$402,616.75.
Motion by Fredericksen, second by Mudge, to approve Pay Application #7 for Sewer Lagoon Project from Blue Ribbon Builders in the amount of \$402,616.75.
Roll: Ayes – unanimous. Motion passes.
- g. Consider approval of motion to award the contract to, and approving agreement between, Unplugged Wireless Communications Inc. and the City of Earlham for installation of storm siren in the amount of \$28,226.00
Motion by Baskin, second by Swalla, to approve motion to award the contract to, and approving agreement between, Unplugged Wireless Communications Inc. and the City of Earlham for installation of storm siren in the amount of \$28,226.00
Roll: Ayes - unanimous. Motion passes.
- h. Consider approval of motion to update the Gendler Park lease between City of Earlham and J. Pettiecord Inc.
Motion by Fredericksen, second by Mudge, to approve motion to update the Gendler Park lease between City of Earlham and J. Pettiecord Inc.
Roll: Ayes – unanimous. Motion passes
- i. Consider approval of motion to award bid for Annual Exam to Faller Kincheloe & Co., PLC
Motion by Swalla, second by Mudge, to approve motion to award bid for Annual Exam to Faller Kincheloe & Co., PLC
Roll: Ayes – unanimous. Motion passes
- j. Consider approval of request from Kent Carlson to hold a Car Show September 17, 2023, at city park. Mr. Carlsen explained the details are the same as last year. He doesn't think he needs any street closed.
Motion by Fredericksen, second by Baskin, to approve request from Kent Carlson to hold a Car Show Sunday, September 17, 2023 at the city park.
Roll: Ayes – unanimous. Motion passes.
- k. Consider approval of motion to approve request from Freedom Fest committee to block off E. 1st Street in front of Community Building following the parade on July 4th for dancing horses show. Hibbs showed map provided by Freedom Fest and explained the alleys should be open for emergency vehicle access.
Motion by Swalla, second by Baskin, to approve request from Freedom Fest committee to block off E. 1st Street in front of Community Building following the parade on July 4th for dancing horses show.
Roll: Ayes - unanimous. Motion passes.
- l. Consider request by John Merial to conduct fireworks display on July 1, 2023.
Motion by Swalla, second by Baskin, to approve request by John Merial to conduct fireworks display on July 1, 2023.
In discussion, Mayor asked Ashley Merial if this was a professional display. She stated no. Fredericksen said if we give permission to them, we would have to allow anyone who asks to do fireworks on various nights. "Do for one, do for all." City fireworks ordinance states fireworks are allowed on July 4th and/or day of Freedom Fest celebration. Hibbs stated ordinance does not address any exceptions. Nelsen asked if this is a city approved activity, if there is an incident (fires, injuries), is city liable? Merial stated they are on edge of town and property backs up to city limits. Mayor said if it were held on 4th, liability would not be an issue.
No vote was taken.

Nelsen stated going forward, a Public Safety Committee meeting is needed to consider rewording Earlham Code of Ordinances Chapter 41.14 (Ordinance No.394)

Mayor asked Swalla withdraw motion and restate his motion including language with wording regarding ordinance. Swalla withdrew previous motion.

Motion by Swalla, second by Baskin, to approve request by John Merial to conduct fireworks display on July 1, 2023, following Public Safety Committee meeting and change of ordinance language.

Roll: Ayes – unanimous. Motion passes

Public Safety Committee meeting set for Monday, June 19, 2023, at 6:30 p.m.

- m. Discussion on Extending Urban Revitalization Plan -Tax Abatement which ends on 12-1-23. Hibbs reminded Earlham’s UR Plan will be ending on 12-1-23, and does council want to extend? Current is 5-year tax abatement on new construction and remodel. Mayor said tax abatement has had its desired effect as the current housing development has filled up. Discussion on 3-year abatement versus 5-year. Consensus of council to keep/extend UR Plan and tax abatement.. Hibbs will be in touch with attorney.
 - n. Discussion on possible fence around Rec Park
Mayor asked Mudge and Fredericksen to serve on this committee. Meeting set for June 21, 2023. Superintendent Kaster stated his committee members suggested putting meeting off until baseball/softball season is over. Council agreed to table the discussion. A 6-foot fence is proposed around the entire Rec Park. Kaster said they have no way to control generating gate money with the current set up. It is a shared facility with little league so that logistics will have to be figured out. With a controlled entryway school will be able to collect gate fees. Discussion on several issues. Committee meeting postponed until sometime in July.
8. Mayor’s Report - Mayor read Proclamation declaring June 17, 2023, as George “Denny” Byrne Day in Earlham
 9. Clerk’s Report – There will be a Public Hearing on Budget Amendment #3 followed by a Special Session Council meeting on Monday, June, 19th, 2023.
 10. Council comments/discussion
Mudge asked how the work was going on updated website.
Swalla about possibility of widening intersection at 6th & Chestnut to accommodate trucks turning.
Baskin posed question to Kaster about steel laying on ground next to playground at the school.
 11. Adjourn
Motion by Fredericksen, second by Mudge, to adjourn.
Roll: Ayes – unanimous. Motion passes.

Being there was no further business, meeting was adjourned at 8:24 p.m.

Jeff Lillie, Mayor

Attest: _____
Mary Sue Hibbs, Clerk/Treasurer