

COUNCIL MEETING
City of Chariton, Iowa
October 21, 2024 5:00 P.M.

The City Council of the City of Chariton, Iowa, met in regular session in the Council Chambers in City Hall of said City on October 21, 2024, at 5:00 p.m. The meeting was called to order by Mayor Hoch. Present for the meeting were Council Members Stephen Fenton, Jayma Hoch, David Kuball, Jarrett McGee, and Gary Shutt. Absent - None.

Also present for the meeting was City Attorney Verle Norris, City Clerk Christy Metzger, Police Chief Jeff Johnson, Sergeant Dustin Wickett, Street Superintendent Dave VanRyswyk, Mechanic Alex Bear, Parks and Recreation Director Hannah McGourty, and Fire Chief Steve Davis.

It was moved by McGee, seconded by Shutt, to approve the October 21, 2024, Council meeting agenda. The roll was called and the vote was:

Aye: Fenton, Hoch, Kuball, McGee, Shutt
Nay: None

It was moved by Kuball, seconded by McGee, to approve the consent agenda consisting of the approval of the minutes of the City Council meeting held on October 7, 2024. The roll was called and the vote was:

Aye: Fenton, Hoch, Kuball, McGee, Shutt
Nay: None

It was moved by Fenton, seconded by Kuball, that the resolution authorizing the payment of claims be adopted. The roll was called and the vote was:

Aye: Fenton, Hoch, Kuball, McGee, Shutt
Nay: None

Thereupon the Mayor declared the resolution duly adopted and numbered 2024-48 and signed her approval thereto.

It was moved by Hoch, seconded by Shutt, to approve the Treasurer's September 2024 Financial Reports and Quarterly Investment Reports. The roll was called and the vote was:

Aye: Fenton, Hoch, Kuball, McGee, Shutt
Nay: None

Mariah Pierschbacher, Shawn Garton, Brian Sims, Denny Bisgard, Lana Kuball, Hilary Masters, Cathy Reece, and Donise Altenhofen, members of Lucas County Economic Development and Yocom Park Steering Committee, were present at the meeting to answer any final questions the Council may have had on the Yocom Park Master Plan that was presented at the October 7, 2024 City Council meeting. After discussion, it was moved by Fenton, seconded by Shutt, to approve the final Yocom Park Master Plan as presented. The roll was called and the vote was:

Aye: Fenton, Hoch, Kuball, McGee, Shutt
Nay: None

It was moved by Fenton, seconded by Kuball, to approve Pay Application Number One (1) for work completed on the Crack and Seat Overlay Project, in the amount of \$65,972.00, to be paid to Norris Asphalt and Paving Co., LC. The roll was called and the vote was:

Aye: Fenton, Hoch, Kuball, McGee, Shutt
Nay: None

It was moved by Fenton, seconded by Kuball, to approve Pay Application Number Two (2) for work completed on the Crack and Seat Overlay Project, in the amount of \$782,473.81, to be paid to Norris Asphalt and Paving Co., LC. The roll was called and the vote was:

Aye: Fenton, Hoch, Kuball, McGee, Shutt
Nay: None

It was moved by Kuball, seconded by Shutt, to approve Change Order Number Six (6), to reduce the contract price for overage on construction observation/engineering fees related to exceeding contract times, for the Sewage Treatment Plant Improvements, Chariton, Iowa - 2021 The roll was called and the vote was:

Aye: Fenton, Hoch, Kuball, McGee, Shutt
Nay: None

It was moved by Fenton, seconded by Kuball, to approve Pay Application Number Twenty-three (23) - Final, in the amount of \$6,320.51, to WRH, Inc., for work completed on the Sewage Treatment Plant Improvements, Chariton, Iowa - 2021. The roll was called and the vote was:

Aye: Fenton, Hoch, Kuball, McGee, Shutt
Nay: None

It was moved by Fenton, seconded by Shutt, to approve the Notice of Acceptability of Work for the Sewage Treatment Plant Improvements, Chariton, Iowa - 2021. The roll was called and the vote was:

Aye: Fenton, Hoch, Kuball, McGee, Shutt
Nay: None

It was moved by Kuball, seconded by Fenton, that a resolution entitled, "A Resolution Authorizing the Purchase of a Plow Mount From Truck Equipment", be adopted, the same being a resolution authorizing the purchase of a plow mount and light adapter from Truck Equipment, in the amount of \$1,430.46. The roll was called and the vote was:

Aye: Fenton, Hoch, Kuball, McGee, Shutt
Nay: None

Thereupon the Mayor declared the resolution duly adopted and numbered 2024-49 and signed her approval thereto.

It was moved by McGee, seconded by Shutt, to approve the renewal of the health, dental, life and vision insurance policies for the City of Chariton employees as presented. The roll was called and the vote was:

Aye: Fenton, Hoch, Kuball, McGee, Shutt
Nay: None

Discussion was held on placing a portable stop sign in the 300 block of North Main Street. After discussion, it was moved by Hoch, seconded by Shutt, to direct the City Attorney to prepare an ordinance for review adding a portable stop sign in the 300 block of North Main Street and the 1200 block of Court Avenue. The roll was called and the vote was:

Aye: Fenton, Hoch, Kuball, McGee, Shutt
Nay: None

It was moved by Kuball, seconded by Shutt, to approve the Application for Excavator's and Drain Layer's License for KLC Construction, LLC, Corydon, Iowa. The roll was called and the vote was:

Aye: Fenton, Hoch, Kuball, McGee, Shutt
Nay: None

Council Member Hoch introduced the resolution next hereinafter set out and moved its adoption, seconded by Council Member Shutt; and after due consideration thereof by the Council, the Mayor put the question upon the adoption of said resolution, and the roll being called, the following named Council Members voted:

Aye: Fenton, Hoch, Kuball, McGee, Shutt
Nay: None

RESOLUTION 2024-50

Resolution Consenting to Assignment of Tax Increment Payments

WHEREAS, the City of Chariton, Iowa (the "City"), pursuant to and in strict compliance with all laws applicable to the City, and in particular the provisions of Chapter 403 of the Code of Iowa, has adopted an Urban Renewal Plan for the 2021 North Ridge Urban Renewal Area (the "Urban Renewal Area"); and

WHEREAS, this Council has adopted an ordinance providing for the division of taxes levied on taxable property in the Urban Renewal Area pursuant to Section 403.19 of the Code of Iowa and establishing the fund referred to in Subsection 2 of Section 403.19 of the Code of Iowa, which fund and the portion of taxes referred to in that subsection may be irrevocably pledged by the City for the payment of the principal and interest on indebtedness incurred under the authority of Section 403.9 of the Code of Iowa to finance or refinance in whole or in part projects in the Urban Renewal Area; and

WHEREAS, the City previously authorized and entered into a development agreement (the "Development Agreement") with HyVibrations Development LLC (the "Developer"), pursuant to which the Developer agreed to undertake (i) the development of a residential subdivision, including single and multifamily housing on certain real property in the Urban Renewal Area; and (ii) the construction of certain public infrastructure improvements in connection therewith, and the City agreed to provide tax increment payments (the "Payments" as further defined in the Development Agreement) to the Developer; and

WHEREAS, the Developer has requested that the City consent to the assignment of all of its rights under the Development Agreement, including the right to receive the Payments to Midwest Heritage Bank, West Des Moines, Iowa (the "Bank") pursuant to the terms and provisions of a certain "ASSIGNMENT OF DEVELOPMENT AGREEMENT" (the "Assignment Agreement") which has been presented to the City Council for review and consent; and

WHEREAS, it is now necessary for the City to provide consent to the Assignment Agreement and approval of the assignment of rights under the Development Agreement as set forth in said Assignment Agreement;

NOW, THEREFORE, It Is Resolved by the City Council of the City of Chariton, Iowa, as follows:

Section 1. The City hereby consents to the Assignment Agreement and the corresponding assignment of Developer's rights to the Bank as contemplated therein. The Assignment Agreement is hereby approved in substantially the form and content in which the said Agreement has been presented to this City Council. The Mayor and City Clerk are hereby authorized and directed to execute Acceptance and Approval page of the Assignment Agreement on behalf of the City. Such officers are also authorized to make such changes, modifications, additions or deletions as they, with the advice of bond counsel, may believe to be necessary, and to take such actions as may be necessary to carry out the provisions of this Resolution.

Section 2. Commencing December 1, 2024 such Payments as become due and owing under the Development Agreement shall be remitted directly to the Bank as set forth in Section 7 of the Assignment Agreement.

Nothing contemplated herein shall be interpreted as interfering with the division of incremental property tax revenues and the payments to be funded therefrom as contemplated in the Development Agreement regardless of the future recipient of such payments.

Section 3. All resolutions or parts thereof in conflict herewith are hereby repealed.

Passed and approved October 21, 2024.

/s/ Jayma Hoch
Mayor

Attest:

/s/ Christy Metzger
City Clerk

Thereupon the Mayor declared the resolution duly adopted and numbered 2024-50 and signed her approval thereto.

It was moved by Fenton, seconded by Kuball, that pursuant to Iowa Code Section 21.5(c), the Council hold a closed session to discuss strategy with Counsel in matters that are presently in litigation or where litigation is imminent where its disclosure would be likely to prejudice or disadvantage the position of the governmental body in that litigation. The roll was called and the vote was:

Aye: Fenton, Hoch, Kuball, McGee, Shutt
Nay: None

At 5:51 p.m., the Council went into closed session.

After a motion and vote, the Mayor declared the meeting open at 6:20 p.m.

There being no further business to come before the meeting, it was moved by Fenton, seconded by Kuball, that the meeting be adjourned until 5:00 p.m., November 4, 2024, in the Council Chambers in City Hall, Chariton, Iowa. The roll was called and the vote was:

Aye: Fenton, Hoch, Kuball, McGee, Shutt
Nay: None

The meeting adjourned at 6:21 p.m.

Christy Metzger, City Clerk