

**Earlham City Council Meeting
January 8, 2024**

The Earlham City Council met in regular session on Monday, January 8, 2024, 7:00 p.m. at Earlham City Hall. Mayor Lillie called the meeting to order at 7:00 p.m. and the following answered roll: Frederickson, Miller, Mudge, Nelsen, Visser. Also present: Chief Stringham, Public Works Supervisor Coffman, Fire Chief Shawn Boyle, Rescue Captain Blake Boyle. Clerk Hibbs attended via telephone.

1. APPROVAL OF AGENDA

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

Roll: Ayes – unanimous. Motion passes.

2. PUBLIC HEARINGS

a. Ordinance No. 449 Gas Franchise

Mayor Lillie declared the public hearing open at 7:02 p.m. Clerk Hibbs stated no written or oral comments received at City Hall. No one present to address this issue.

Motion by Frederickson, second by Mudge, to close public hearing.

Roll: Ayes – unanimous. Motion passes. Public hearing closed at 7:03 p.m.

b. Ordinance No. 450 Electric Franchise.

Mayor Lillie declared the public hearing open at 7:03 p.m. Clerk Hibbs stated no written or oral comments received at City Hall. No one present to address this issue.

Motion by Frederickson, second by Mudge, to close public hearing.

Roll: Ayes – unanimous. Motion passes. Public hearing closed at 7:04 p.m.

2. PUBLIC FORUM – none

3. CONSENT AGENDA:

a. Council meeting minutes for 12-11-23

b. Treasurer's Report for 1-8-24

c. Claims and Receipts Report for 1-8-24

d. Consider approval of renewal for liquor license LC0049304 Class C Retail Alcohol LC for Bricker-Price Block Restoration Corporation effective 02-10-24, pending dramshop.

e. Consider approval of Resolution No. 24-01, Designating the Earlham Echo and the Winterset Madisonian as the Official Newspapers for the City of Earlham, Iowa, for 2024.

f. Consider approval of Resolution No. 24-02 Approving the Mayor's Appointment of The Law Firm of Peer, Nelsen, & Braland as City Attorney for the City of Earlham for 2024.

g. Consider approval of Resolution No. 24-03 Designating Earlham Savings Bank as the official Depository for Public Funds Belonging to the City of Earlham, Iowa, for 2024

h. Consider approval of Mayor's re-appointment of Shawn Boyle as Fire Chief for the Earlham Volunteer Fire Department, and Blake Boyle as Rescue Captain for the Earlham Rescue Squad.

Motion by Nelsen, second by Miller, to approve consent agenda.

Roll: Ayes – unanimous. Motion passes.

4. DEPARTMENT REPORTS

a. Public Works - Gary Coffman, Public Works Supervisor

Removed Christmas decorations; check all hydrants to make sure they were dry, and in the process broke one hydrant. Several residents have complained about low pressure, but it was not our problem. On-going problems at Lagoon, but people are here working on it and it should be squared away soon. Lynn is still off, but is coming to drive the pickup following the storm.

b. Police Department – Chief Matt Stringham

Officer Donovan talked to Boy Scouts on safety. Holidays went pretty well. New Years Eve was busy with traffic accident on I-80. Following the school shooting in Perry, ECSD has set up their system to call Earlham PD directly. Clerk and Chief are discussing changing the ATV, UTV and Golf Carts permit from

1- year to 2-year permit. Asked council to think about this as well as permit fees for golf carts. This will be on next months agenda. It has been brought to Chief's attention that many pools in Earlham do not have fences. Iowa minimum recommendation is at least 4 feet tall. Earlham Code does not address this. This will also be on next months agenda. There is a vicious dog hearing this Wednesday, January 10th, at 6:00 p.m. Both the owner and the victim will be present. Owner was ticketed for not having dog licensed with city.

c. Fire Department – Annual Report, Chief Shawn Boyle

Chief Boyle presented the annual report which included: responded to 151 calls; average of 6 members responded per call; 400 hours combined training; 30 mutual response calls. Current roster is at 19 members. Also participated in public service events. Discussion on township levies. Chief stated they have not been changed for 15 years. Suggested that Finance Committee attend meeting between Chief and Township representatives.

d. Rescue Department – Annual Report, Captain Blake Boyle

Captain Boyle presented the annual report which included: responded to 249 calls, up 45 from last year; 3-year average was 204; there were 99 transports; 148 hours of continuing education; 94% of calls were responded by advanced level provider and thus able to provide advanced services. Current roster at 10 members. Townships/cities do not specifically collect for EMS. State has now (as 2021) made option for EMS levy, but county supervisors have to approve that first and create a board. EMS revenues are just a break off of fire department levy revenue. Need to make our county supervisors aware of the need for this.

5. BOARD, COMMISSION, COMMITTEE REPORTS – none.

6. UNFINISHED BUSINESS

a. Consider approval of 12-20-2023 amendment to Community Building rental agreement – NOISE.

Motion by Mudge, second by Fredericksen, to approve the 12-20-23 amendment to the Community Building rental agreement – NOISE.

Roll: Ayes – unanimous. Motion passes.

b. Consider approval of invoice from Lillie Plumbing & Heating for new downtown street lights and poles, and what fund(s) to use.

Motion by Fredericksen, second by Mudge, to approve invoice from Lillie Plumbing & Heating for new downtown street lights to be paid from the LOST Fund.

Roll: Ayes – unanimous. Motion passes.

7. NEW BUSINESS

a. Consider approval of Ordinance No. 449, An Ordinance Granting to MidAmerican Energy Company, Its Successors and Assigns, the Right and Non-Exclusive Franchise to Acquire, Construct, Erect, Maintain and Operate in the City of Earlham, Iowa, a Natural Gas System and to Furnish and Sell Natural Gas to the City and Its Inhabitants and Authorizing the City to Collect Franchise Fees for a Period of 25 Years.

Motion by Mudge, second by Fredericksen, to approve First Reading of Ordinance No. 449, An Ordinance Granting to MidAmerican Energy Company, Its Successors and Assigns, the Right and Non-Exclusive Franchise to Acquire, Construct, Erect, Maintain and Operate in the City of Earlham, Iowa, a Natural Gas System and to Furnish and Sell Natural Gas to the City and Its Inhabitants and Authorizing the City to Collect Franchise Fees for a Period of 25 Years.

Discussion on Franchise fees. Tyler Gartenberg, with MidAmerican Energy, stated you can start with 0% and them amend the ordinance later to add a fee percentage. He states first need a revenue statement and a public hearing on franchise fees. Mayor asked if this would affect school revenue. Gartenberg said you can exempt certain accounts from the fee if you like. For example, school does not pay LOST, but they would have to pay franchise fee. Miller asked if a committee should look at tax exempt organizations from our water bill list to make sure we don't miss anyone. Consensus of council decided a franchise fee is worth looking into, basically because of flexibility in how funds can be spent.

Roll: Ayes – unanimous. Motion passes.

- b. Consider approval of Ordinance No. 450, An Ordinance Granting to MidAmerican Energy Company, Its Successors and Assigns, the Right and Non-Exclusive Franchise to Acquire, Construct, Erect, Maintain and Operate in the City of Earlham, Iowa, an Electric System and Communications Facilities and to Furnish and Sell Electric Energy to the City and Its Inhabitants and Authorizing the City to Collect Franchise Fees for a Period of 25 Years.

Motion by Fredericksen, second by Miller, to approve First Reading of Ordinance No. 450, An Ordinance Granting to MidAmerican Energy Company, Its Successors and Assigns, the Right and Non-Exclusive Franchise to Acquire, Construct, Erect, Maintain and Operate in the City of Earlham, Iowa, an Electric System and Communications Facilities and to Furnish and Sell Electric Energy to the City and Its Inhabitants and Authorizing the City to Collect Franchise Fees for a Period of 25 Years.

Same discussion on franchise fees.

Roll: Ayes – unanimous. Motion passes.

- c. Consider rescinding appointment of Mike Hastie to the Earlham Board of Adjustment (*Clerk error, mistaken identity*) and consider appointing of Shane Schulte to the Earlham Board of Adjustment.

Motion by Mudge, second by Miller, to rescinding appointment of Mike Hastie to the Earlham Board of Adjustment (*Clerk error*).

Roll: Ayes – unanimous. Motion passes.

Motion by Fredericksen, second by Nelsen, to appoint Shane Schulte to the Earlham Board of Adjustment.

Roll: Ayes – unanimous. Motion passes.

- d. Consider approval of renewal for liquor license BW0096936 Special Class C Retail Alcohol License for Beans & Beignets, LLC effective 1-13-24, pending application, Iowa ABD approval and Dram Shop
Motion by Miller, second by Visser, to approve of renewal for liquor license BW0096936 Special Class C Retail Alcohol License for Beans & Beignets, LLC effective 1-13-24, pending application, Iowa ABD approval and Dramshop

Roll: Ayes - unanimous. Motion passes.

- e. Consider approval of request by VFW for placing retired flag container on City Hall Property; or consider other suggested locations.

Council directed Clerk Hibbs to speak with Earlham Post Office and Earlham Library regarding the possibility of placing the container at their facility.

- f. Set date and time for Public Hearing for FY24 Budget Amendment for February 12, 2024, 7:00 p.m.

Motion by Mudge, second by Visser, to set February 12, 2024, 7:00 p.m. as the date and time for the Public Hearing for FY24 Budget Amendment.

Roll: Ayes - unanimous. Motion passes.

8. MAYOR'S REPORT

Mayor has had conversations with ECSD superintendent regarding reinstating the Welcome Packets, to encourage people to shop local. Mayor has spoken to about 90% of businesses regarding this and told them to bring their item to City Hall. Bank will donate reusable bags and Silver Cord kids will compile them. They will be given out to new residents.

9. CLERK'S REPORT

Clerk stated Connie Terrie with Chicks With Checks spoke with her regarding possibility of hiring part-time worker for summer concert series. She will be at next council meeting to discuss. Clerk distributed the FY23 Examination Report. Clerk explained budget meeting schedule is not finalized yet but wanted to know if they could set up first meeting. Finance Committee members will be Mudge, Miller, & Nelsen. They decided to have first meeting Thursday, January 18th at 6:00 p.m.

10. COUNCIL COMMENTS/DISCUSSION - none

11. ADJOURN

Motion by Fredericksen, second by Visser, to adjourn.

Roll: Ayes – unanimous. Motion passes.

Being there was no further business, meeting was adjourned at 8:02 p.m.

Jeff Lillie, Mayor

Attest: _____
Mary Sue Hibbs, Clerk/Treasurer