

Notes for Public Hearing on 05/28/25.

This bridge was originally a double span bridge and in 1929 there was a large flood that took out the second single car bridge. During the flood of 2008 the east approach of the bridge was washed out and the county replaced the approach on the east side of the bridge.

Currently the City of Bertram has been awarded a grant by the State of Iowa to replace the bridge that spans over Big Creek just south of Four Oaks. The city has until October of 2025 to decide as to whether the city will replace the bridge or leave the bridge as it is.

Over the past several years Linn County has worked very professionally and diligently with the City of Bertram to help the city make an informed decision as to whether or not the city should replace the bridge.

#### City Council Legal Obligation

##### 1. Fiduciary Responsibility.

- a. In Iowa, city council members have a fiduciary responsibility to act in the best interests of the city and its residents. This includes acting with honesty, integrity, and good faith in all dealings with the city, and avoiding conflicts of interest. Fiduciary duties also encompass a duty of care to competently and faithfully execute their duties, including managing assets, using due diligence in selecting and supervising staff, and following rules and laws.

##### b. City of Marion

- i. The City of Marion's City Council has a fiduciary responsibility to provide oversight of the City of Marion's operations and financial transactions. Oversight is typically defined as the "watchful and responsible care" a governing body exercises in its fiduciary capacity.

##### 2. Knowing the definition of Fiduciary responsibility, what does this mean for the City of Bertram.

- a. This means that as a council we must prioritize the citizens of Bertram over other residents. In some cases, this may be to the detriment of one citizen for the greater good of other residents and in some cases, it is for the greater good of the citizens of Bertram over residents of Linn County that are not citizens of Bertram.

#### Current Reasons to Replace the Bridge

1. This helps our neighbors to the east of Bertram.
2. This allows citizens of Bertram to have a faster route to Big Creek Road, Holmans Road, and Smyth Road.

#### Current Reasons to not replace the bridge.

1. There is no property in the city on the other side of the bridge.
2. There is no revenue that is being received east of the bridge.
3. There will be more traffic that goes through Bertram that will cause greater wear and tear of the roads in Bertram
4. There is the potential of complaints within the city of sirens that may be heard due to emergency vehicles being able to cross the bridge.
5. During the process of removing and replacing the bridge there will be a lot of heavy equipment that will have to be brought into the city to replace the bridge. This will cause wear and tear on the city's roads that the city will have to pay to repair.

The City of Bertram has investigated the possibility of asking residents to voluntarily be annexed into the City of Bertram so that that city could receive some financial assistance in the form of property taxes. Councilman Jim and Chris met with Linn County Secondary roads and went over several things that would be key in the City of Bertram deciding whether or not to proceed with voluntary annexation and it was determined at the time that it did not make financial sense for this.

1. The cost per Mile to maintain gravel road is approximately \$10,000 per year. This is just to maintain a gravel road that is already built. This does not include any Right of Way work such as ditches, road signs, speed limit signs, culvert replacements, or anything else.
2. The City of Bertram does not have the equipment to maintain a gravel road and would either have to purchase equipment or request an agreement with Linn County.
3. The current city trucks and plows would not be able to handle the snowpack from the curves on Big Creek Road.

#### Several Statements that have been made in the past.

1. The bridge must be replaced for emergency vehicles in case an ambulance is needed.
  - a. The state minimum for Bridges to be listed as active in the state of Iowa is 8 Tons. Currently the bridge is listed as this but the city has a 3 ton limit due to the age of the bridge.

- i. Most ambulances weigh between 4-10 tons and should not be crossing this bridge at any time.
- 2. This is our main way to and from our houses.
  - a. See access from Mount Vernon Road
  - b. See access from South
- 3. If there is a flood like in previous years, the bridge is our only access to our property
  - a. See Flood Plain Access
  - b. The current bridge as well as any new bridge would be closed to traffic due to flooding on Bertram St and Big Creek Road just south of Four Oaks.
- 4. If we were annexed into the City of Bertram that would help pay for the bridge.
  - a. Unfortunately, the City of Bertram would have to immediately start paying for the road repairs while waiting 18 months for the first tax payment to start coming to the city.
  - b. If every property on the North and South side of Holmans Road to the intersection of Smyth as well as every property on Big Creek up to the horse barn were to be voluntarily annexed this would be approximately 3 linear miles of gravel road at an approximate cost of \$10,000 per mile in maintenance. The city would need to have a tax base of \$30,000 per year to break even on the road maintenance cost. The city would only receive approximately \$17,000 per year from taxes.
- 5. We are neighbors and friends, and it is the right thing to do.
  - a. Unfortunately, the City Council is legally obligated to be a fiduciary to the City of Bertram and we can not in good faith use this as a reason in our decision making process.

#### Options for bridge replacement

- 1. List Linn County as a Co-Sponsor on the grant so that the County can work directly with the state to replace the bridge, as the City of Bertram does not have the technical experience to replace a bridge on there own.
- 2. Do nothing and let the grant expire. Once the bridge does not pass inspection the bridge would be closed and removed permanently. As of the last bridge inspection report in 2024 it is only able to potentially pass one more annual bridge audit before it must be closed permanently at the end of 2025.

If we look at current and past growth for the City of Bertram, the very short answer that I would personally recommend to the council is that the current bridge be closed by the end of 2025 and scheduled for removal in the future.

While the Council must maintain Fiduciary Responsibility it would certainly not be in the best interest of the City and Citizens if we did not take into account the voices of our residents, the guidance of our engineering firms, the recommendations from ECICOG, the requests of our neighbors, as well as other cities who have faced this same decision and the outcome of those cities.

In 2021 and 2022 the City of Bertram contracted with ECICOG to update our comprehensive Plan, as part of this process, residents filled out questionnaires as to growth of the city and it was concluded that to the North towards Mount Vernon Road and to the East over Big Creek would be the two best areas for the city to grow. In addition to this the City of Bertram contracted with Fehr Graham Engineering for the best ways for future infrastructure as well as possible growth opportunities and once again it was determined that to the north and the east were the best ways for the future growth of the city.

If we look at other towns in Iowa that have faced the same challenging decisions that Bertram is currently facing. The city of Viola keeps getting mentioned that it was not able to grow after not upgrading a bridge in similar condition, I can not personally state this as I was too young to remember this and I am not from this area but this has been brought up by more than one engineer that I know and trust.

Now that we have reviewed all of the necessary information the council can in good faith come forward with a proposal that we feel will be in the benefit of all parties involved and this is what we are calling future voluntary annexation agreements with each property owner.

What is a Future Voluntary Annexation Agreement.

1. This is a document signed by all owners of a property that states that if at some point in the future the property owner will agree to be voluntarily annexed into the City of Bertram at the time that it is deemed appropriate by the City of Bertram.

2. This would be recorded on the Title of the Property and run in succession to all heirs and successors of the land.

What does this mean for you as a resident to the East of Big Creek.

1. If there is enough agreement from the residents across the bridge the city would list Linn County as a co-sponsor on the agreement and the bridge would be replaced.
2. You may at some point in the future request to be annexed into the City of Bertram; by signing this document you would not be able to fight the annexation.

Common Questions that I feel will be asked

1. Are there any expansion plans at this time?
  - a. No as of now there is no plan to annex any areas to the east of Big Creek.
2. How long do you think before annexation happens
  - a. I honestly do not know but to be frank it would not be before the cost of revenue exceeds the cost of maintenance and I don't foresee that happening any time in the near future especially with interest rates above 5%.
3. Have you spoken with any developers about developing to the east of Bertram
  - a. Yes, this question was brought up in a meeting with our engineering firm as well as with developers that I personally know and the short answer is that there is no sewer and no city water so the cost far outweighs the benefits, and no developer is developing in any undeveloped small towns without infrastructure and they have no plans to do so.
4. If you had to guess a timeline how long do you think until annexation is viable?
  - a. I can't give you a direct answer, what I can say is that I personally think that there is a greater chance that annexation does not happen than it does happen. I personally think at the earliest it would be 10-20 years out but I this is just a guess based on information that I know.
5. How many property owners need to sign this.
  - a. The council does not have a set number in mind the more people who sign it the better the chance that the city will allow the bridge to be replaced. If not enough people sign the project will be dead in the water and not brought up again. There is no second chances on this project as the timeline is to short.
6. I am looking to divide my land how will this effect it if I sign up for voluntary annexation agreement.

- a. If you subdivide this would follow to all future parcels stemming from the 1<sup>st</sup> parcel. When the new titles are created by your attorney it would be copied to the new titles.