

CITY COUNCIL MEETING
RAND CENTER
SEPTEMBER 18, 2012
7:00 P.M.

Mayor Sargent presided over the session and called it to order with the following Council members present: Isom, Dillinger, Struble, Ratliff and Dinsmore. Also present were City Clerk/Administrator Miller and visitors: Dave Weihs, Evelyn Lynch, Jim Olmsted, Mark Mahoney, Jeff Gute, Jessie Griffis, Adam Griffis, Jamie Rejda, Bill Cunard, Tim Peffer, Tim Guinan, Tyler Dewaele and Lyle McIntosh.

The Pledge of Allegiance was recited.

Moved by Council member Dillinger to approve the agenda as presented, seconded by Council member Struble. Motion carried on a 5-0 vote.

Moved by Council member Dinsmore to approve the consent agenda, seconded by Council member Dillinger. Motion carried on a 5-0 vote.

Jim Olmsted gave an update on the 8th Street Improvement Project. The new water main is in place and the contractor is working on service lines. The first block should be completed and ready for the paving contractor to come in next week. He reviewed and recommended payment of the Application for Payment. Moved by Council member Dillinger to approve Pay Request #1 from Bluffs Paving and Utility Co in the amount of \$53,653.15, seconded by Council member Dinsmore. Motion carried on a 5-0 vote.

Mr. Olmsted explained the bid proposal for water valve replacements from Driver Sewer & Water Inc. The original 3-phase valve replacement plan included 2 valves which will now be replaced as part of the 8th Street project. This proposal is for the remaining valves identified as needing replaced plus an additional valve on 8th Street. He recommended awarding the bid to Driver Sewer & Water Inc. because Driver would be able to replace the valves necessary for the 8th Street water line as he was doing the rest of the water line connections on the project, and then he could replace the remainder of the valves at the completion of 8th Street. Phase II & III had been budgeted for FY13, while Phase I was budgeted for FY12 but not completed during the fiscal year. Moved by Council member Dillinger to accept the bid proposal for water main valve replacements from Driver Sewer & Water Inc. in the amount of \$22,315.00, seconded by Council member Struble. Motion carried on a 5-0 vote.

Jim Olmsted reported the concrete work should start next week once the water lines on the first block are completed and then the paving crew will follow the water crew up the hill. The asphalt work on Huron is scheduled to start the first week of October. It will take them about a week to mill, then lay the asphalt with completion by mid October. He also reported the survey work and televising the sewer lines for the Ontario Street improvements are being done now and construction will start after the first of the year. He is checking right-of-ways regarding possible widening of the street. The cost of the project is estimated at \$250,000.

Michael Sorrells was unable to attend the meeting; however, he had dropped off pictures to show he is making progress in the nuisance abatement at 1003 E Granite. Council agreed progress was being made on cleaning the property. Council was in agreement that if the abatement is not taken care of by the end of the two months (Nov 6), the City will clean up the property and charge the property owner.

Lyle McIntosh, representing a group of individuals, requested the City rename a street in honor of Dean Dewaele based on the economic impact Mr. Dewaele made to the City due to his housing construction throughout town. The group asked that Mr. Dewaele be recognized for being instrumental in providing good, affordable housing in the form of single & multi-family units thereby increasing taxable valuation and bringing and keeping residents in the City. Following discussion, Council member Struble moved to rename Windom Street after Dean Dewaele, seconded by Council member Dillinger.

AYES: Struble, Dillinger, Isom, Ratliff
NAYS: Dinsmore. Motion carried.

The street name will be determined in conjunction with the Dewaele family. An ordinance will be drafted for the next meeting.

Moved by Council member Struble to approve the 1st reading of Ordinance #486, “An Ordinance Amending The Code Of Ordinances Of The City Of Missouri Valley, Iowa By Amending Provisions Pertaining To Water Services Charges”, seconded by Council member Dillinger. Motion carried on a 5-0 vote.

ORDINANCE #486

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF MISSOURI VALLEY, IOWA BY AMENDING PROVISIONS PERTAINING TO WATER SERVICE CHARGES

BE IT ENACTED by the City Council of the City of Missouri Valley, Iowa:

SECTION 1. SECTION MODIFIED. Section 92.05 subsection 2 of the Code of Ordinances of the City of Missouri Valley, Iowa is repealed and the following adopted in lieu thereof:

2. Notice to Landlords. If the customer is a tenant, and if the owner or landlord of the property or premises has made a written request for notice, the notice of delinquency shall also be given to the owner or landlord. If the customer is a tenant, and if the owner or landlord of the property or premises has made a written request for notice of any change of name for the service, the owner or landlord shall be notified of the tenant’s request for a change of name under the service account.

SECTION 2. SECTION MODIFIED. Section 92.07 of the Code of Ordinances of the City of Missouri Valley, Iowa is amended by deleting the portion reading “A change in the ownership of the residential rental property shall require written notice of such change to be given to the City within ten (10) business days of completion of the change of ownership” and by adding and

adopting the following: “A change in the ownership of the residential rental property shall require written notice of such change to be given to the City within thirty (30) business days of completion of the change of ownership”.

SECTION 3. SEVERABILITY CLAUSE. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

SECTION 4. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval, and publication as provided by law.

Passed by the City Council on the ___ day of _____, 2012 and approved this ___ day of _____, 2012.

Clint Sargent, Mayor

ATTEST:

Rita M. Miller, City Clerk/Administrator

Moved by Council member Dillinger to waive the 2nd & 3rd readings and adopt Ordinance #486 as read, seconded by Council member Struble. Motion carried on a 5-0 vote. Mayor Sargent declared Ordinance #486 passed and adopted upon publication.

Moved by Council member Dillinger to approve the 1st reading of Ordinance #487, “An Ordinance Amending The Code Of Ordinances Of The City Of Missouri Valley, Iowa By Amending Provisions Pertaining To Sewer Service Charges”, seconded by Council member Struble. Motion carried on a 5-0 vote.

ORDINANCE #487

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF MISSOURI VALLEY, IOWA BY AMENDING PROVISIONS PERTAINING TO SEWER SERVICE CHARGES

BE IT ENACTED by the City Council of the City of Missouri Valley, Iowa:

SECTION 1. SECTION MODIFIED. Section 99.05 of the Code of Ordinances of the City of Missouri Valley, Iowa is repealed and the following adopted in lieu thereof:

99.05 Payment Of Bills. All sewer service charges are due and payable under the same terms and conditions provided for payment of a combined service account as contained in Section 92.04 of the Code of Ordinances. Sewer service may be

discontinued in accordance with the provisions contained in Section 92.05 if the combined service account becomes delinquent, and the provisions contained in Section 92.07 relating to lien exemptions and Section 92.08 relating to lien notices shall also apply in the event of a delinquent account.

SECTION 2. SEVERABILITY CLAUSE. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

SECTION 3. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval, and publication as provided by law.

Passed by the City Council on the ___ day of _____, 2012 and approved this ___ day of _____, 2012.

Clint Sargent, Mayor

ATTEST:

Rita M. Miller, City Clerk/Administrator

Moved by Council member Struble to waive the 2nd & 3rd readings and adopt Ordinance #487 as read, seconded by Council member Dillinger. Motion carried on a 5-0 vote. Mayor Sargent declared Ordinance #487 passed and adopted upon publication.

Moved by Council member Struble to approve the 1st reading of Ordinance #488, "An Ordinance Amending The Code Of Ordinances Of The City Of Missouri Valley, Iowa, By Amending Provisions Pertaining To Nuisance Abatements", seconded by Council member Dinsmore. Motion carried on a 5-0 vote.

ORDINANCE #488

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF MISSOURI VALLEY, IOWA BY AMENDING PROVISIONS PERTAINING TO NUISANCE ABATEMENTS

BE IT ENACTED by the City Council of the City of Missouri Valley, Iowa:

SECTION 1. SECTION MODIFIED. Section 50.06 Subsection 7 of the Code of Ordinances of the City of Missouri Valley, Iowa is repealed and the following adopted in lieu thereof:

7. Installment Payment of Cost of Abatement. If the amount expended to abate the nuisance or conditions exceeds five hundred dollars (\$500.00), the City may permit the assessment to be paid in up to ten (10) annual installments, to be paid in the same manner and with the same interest rates provided for assessments against benefitted property under State law.

SECTION 2. SEVERABILITY CLAUSE. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

SECTION 3. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval, and publication as provided by law.

Passed by the City Council on the ___ day of _____, 2012 and approved this ___ day of _____, 2012.

Clint Sargent, Mayor

ATTEST:

Rita M. Miller, City Clerk/Administrator

Moved by Council member Struble to waive the 2nd & 3rd readings of Ordinance #488 and adopt it as read, seconded by Council member Dillinger. Motion carried on a 5-0 vote. Mayor Sargent declared Ordinance #488 adopted upon publication.

Moved by Council member Dinsmore to approve the 1st reading of Ordinance #489, An Ordinance Amending The Code Of Ordinances Of The City Of Missouri Valley, Iowa By Amending Provisions Pertaining To The Definitions Of All-Terrain Vehicles And Off-Road Utility Vehicles”, seconded by Council member Struble. Motion carried on a 5-0 vote.

ORDINANCE #489

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF MISSOURI VALLEY, IOWA BY AMENDING PROVISIONS PERTAINING TO THE DEFINITIONS OF ALL-TERRAIN VEHICLES AND OFF-ROAD UTILITY VEHICLES

BE IT ENACTED by the City Council of the City of Missouri Valley, Iowa:

SECTION 1. SECTION MODIFIED. Subsections 1 and 3 of Section 75.02 DEFINITIONS of the Code of Ordinances of the City of Missouri Valley, Iowa are repealed and the following adopted in lieu thereof:

1. "All-terrain vehicle" or "ATV" means a motorized vehicle with not less than three and not more than six nonhighway tires that is limited in engine displacement to less than one thousand (1,000) cubic centimeters and in total dry weight to less than one thousand two hundred (1,200) pounds and that has a seat or saddle designed to be straddled by the operator and handlebars for steering control. "All-terrain vehicle" includes off-road utility vehicles but does not include farm tractors or equipment, construction equipment, forestry vehicles, or lawn and grounds maintenance vehicles.

3. "Off-road utility vehicle" means a motorized vehicle with not less than four and not more than eight nonhighway tires that is limited in engine displacement to less than one thousand five hundred (1,500) cubic centimeters and in total dry weight to not more than two thousand (2,000) pounds and that has a seat that is of bucket or bench design, not intended to be straddled by the operator, and a steering wheel or control levers for control. An operator of an off-road utility vehicle is also subject to the provisions of this chapter governing the operation of all-terrain vehicles.

SECTION 2. SEVERABILITY CLAUSE. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

SECTION 3. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval, and publication as provided by law.

Passed by the City Council on the ___ day of _____, 2012 and approved this ___ day of _____, 2012.

Clint Sargent, Mayor

ATTEST:

Rita M. Miller, City Clerk/Administrator

Moved by Council member Struble to waive the 2nd & 3rd readings and adopt Ordinance #489 as read, seconded by Council member Dinsmore. Motion carried on a 5-0 vote, Mayor Sargent declared Ordinance #489 adopted upon publication.

Moved by Council member Struble to approve Resolution 12-33, "Resolution To Certify Certain Costs For Collection With Taxes", seconded by Council member Dinsmore. Motion carried on a 5-0 vote.

RESOLUTION 12-33

**RESOLUTION TO CERTIFY CERTAIN COSTS FOR
COLLECTION WITH TAXES**

BE IT RESOLVED by the City Council of the City of Missouri Valley, Iowa:

Section 1. That the costs and expenses incurred by the City of Missouri Valley, Iowa as set forth in the attached Exhibit "A" are hereby approved for certification to the County Treasurer for collection with taxes and the City Clerk is hereby directed to transmit same.

Passed and approved this 18th day of September, 2012.

CITY OF MISSOURI VALLEY

Clint Sargent, Mayor

ATTEST:

Rita M. Miller
City Clerk/Administrator

EXHIBIT A

<u>Name</u>	<u>Property To Be Assessed</u>	<u>Amount</u>
Justin W. Ames	723 E. Huron Nuisance Abatement	\$ 182.22
Douglas Richer	328 S 9 th Street Nuisance Abatement	\$ 175.00
Tf 24 Ccsb	302 S 10 th Street Nuisance Abatement	\$ 175.00
Tf 05 Ccsb	304 S 10 th (LOT) Seatons Addition Lot 3 & N ½ Lot 4 Blk 15 Nuisance Abatement	\$ 175.00

Douglas F. Smith	553 N 1 st Nuisance Abatement (2 separate mowing)	\$ 340.00
Curt Bonham	815 N 6 th Nuisance Abatement	\$ 170.00

Council was in agreement to proceed with the application for the 2013 Housing Rehabilitation Grant based on the same area and the same dollar amount as the 2012 application. City Clerk/Administrator will contact Jeremy Middents with SWIPCO.

Council member Dillinger requested to return to Item #15 and questioned why the person doing the mowing on nuisance abatements was included in the listing of properties to be assessed for nuisance abatements. City Clerk/Administrator Miller responded that the property is in foreclosure but still shows under his name on the county records. Council stated they did not feel he should have charged the City for this mowing. Moved by Council member Dinsmore to withhold \$70 from Bonham’s payment for abatement mowing, seconded by Council member Dillinger.

AYES: Dinsmore, Dillinger, Struble, Ratliff.
NAYS: Isom. Motion carried.

Mayor Sargent asked Council’s approval to hire Attorney Matt Woods to assist the City with annexation. Council was in agreement.

City Clerk/Administrator Miller informed Council that “Life Chain” which is sponsored by local churches, will be forming a prayer chain along Erie Street on October 7th. They will not be on the roadway or blocking entrances to any businesses and there will be no controversial signs displayed.

Council member Dinsmore requested Council consider sealcoating St. Clair Street between Boston Avenue and Willow Road at the same time Shawmutt is done. Council was in agreement to get a cost estimate and discuss it at the next meeting.

Moved to adjourn by Council member Struble, seconded by Council member Ratliff. Motion carried on a 5-0 vote. Meeting adjourned at 8:03 p.m.

Clint Sargent, Mayor

Attest:
Rita Miller
City Clerk/Administrator