

CITY COUNCIL MEETING
RAND CENTER
OCTOBER 18, 2016
6:00 P.M.

Mayor Sargent presided over the meeting and called it to order at 6:00 p.m. with the following Council members present: Gunderson, Struble, Thompson and Johnson. Council member Tiffey was absent. Also present were City Clerk/Administrator Miller, Chief Murray, City Engineer Olmsted and visitors: Heidi Rigg, Nathan Rigg, Rick Haden, John Riley, Brad Swenson, Leonard Ratliff, Sally Salter.

The Pledge of Allegiance was recited.

Moved by Council member Struble to approve the Agenda, seconded by Council member Johnson. Motion carried on a 4-0 vote.

Moved by Council member Johnson to approve the Consent Agenda, seconded by Council member Thompson. Motion carried on a 4-0 vote.

Sally Salter addressed the Council about the possibility of a dog park in the City. She informed Council how they were set up in Omaha and what she felt would be needed to get one up and going. She was directed to present information to the Park Board.

Bruce Kocher reported on the town hall meeting held by the Library. They are working on attaining Tier 3 status, which would bring additional State funding as well as prestige to the Library.

Nathan and Heidi Rigg addressed the Council in regard to the shared water service line on Brown's Row. City Clerk/Administrator gave an overview of the situation where there are several houses on a shared service line that runs thru each house and one property owner will be disconnecting his line to renovate his house. This will leave the other houses without water service. Per City Code, each property owner would be required to put in a separate service line and curb stop. She suggested the owners be allowed to run a 2" service line, with just one main tap, which would T off at each house and individual curb stops rather than each one tapping into the main on Hwy 30. Miller was directed to contact the property owner and plumbers to see if there is a work-around for the situation. It was noted that shared service lines between neighbors are a civil matter and the City's involvement is only to provide information to them.

Rick Haden (Felsburg, Holt and Ullevig) presented information on railroad quiet zones. To implement them, the City would be required to provide supplemental safety devices at each crossing. These could be extended crossing arms or wayside horns. The feasibility study would cost approximately \$22,150. This will be considered during the FY18 budget workshop.

Moved by Council member Struble to approve Resolution 16-24, "Fiscal Year 2015-2016 Annual Urban Renewal Report", seconded by Council member Johnson. Motion carried on a 4-0 vote.

Moved by Council member Johnson to approve the 2nd reading of Ordinance #504 (revised), “An Ordinance To Amend Portions Of Section 90.06 Of The Code Of Ordinances Of The City Of Missouri Valley, Iowa To Include Provisions For Water Treatment Capital Facilities Charges Due For All New Development Residential, Commercial, Industrial And Institutional Property Who Connect To The City’s Public Water System”, seconded by Council member Gunderson. Motion carried on a 4-0 vote.

Moved by Council member Gunderson to approve the 2nd reading of Ordinance #505 (revised), “An Ordinance To Amend Portions Of Section 96.02 Of The Code Of Ordinances Of The City Of Missouri Valley, Iowa To Include Provisions For Sanitary Sewer Capital Facilities Charges Due For All New Development Residential, Commercial, Industrial And Institutional Property Who Connect To The City’s Public Sewer System”, seconded by Council member Thompson. Motion carried on a 4-0 vote.

Moved by Council member Struble to approve the 3rd reading of Ordinance #521, “An Ordinance Amending The Code Of Ordinances Of The City Of Missouri Valley, Iowa, By Amending Sections Of Chapter 122, Pertaining To Regulations Of Garage Sales”, seconded by Council member Thompson. Motion carried on a 4-0 vote. Mayor Sargent declared Ordinance #521 passed and adopted upon publication.

Moved by Council member Johnson to approve the 2nd reading of Ordinance #522, “An Ordinance Amending The Code Of Ordinances Of The City Of Missouri Valley, Iowa By Amending Section 105.05 Open Burning Restricted By Amending Provisions Pertaining To Recreational Fires”, seconded by Council member Struble. Motion carried on a 4-0 vote.

Moved by Council member Thompson to approve the 1st reading of Ordinance #523, “An Ordinance Amending The Code Of Ordinances Of The City Of Missouri Valley, Iowa, By Amending Provisions Pertaining To Load Limits Upon Certain Streets”, seconded by Council member Johnson. Motion carried on a 4-0 vote.

Moved by Council member Struble to approve the 1st reading of Ordinance #524, “An Ordinance Amending The Code Of Ordinances Of The City Of Missouri Valley, Iowa, By Adding A New Section Limiting Parking On A Portion Of Linn Street”, seconded by Council member Thompson. Motion carried on a 4-0 vote.

Council discussed inconsistency in City Code regarding parking on 5th Street between St. Clair and Linn Street and the “no parking signs”. Temporary ‘parking allowed’ signage will be put up on the east side and an ordinance will be drafted for the next meeting.

Moved by Council member Johnson to approve the Chamber’s request to block off Dean Dewaele Way on December 3rd for the Tree Lighting event, seconded by Council member Thompson. Motion carried on a 4-0 vote.

Council member Gunderson asked about a “no passing zone” at the intersection of 1st and Erie. City Clerk/Administrator Miller will check on the jurisdiction.

City Clerk/Administrator Miller reported the 2017 Ford Explorer is in and will be delivered next week. The cost is \$28,841.14 and City will receive \$16,500 from insurance company leaving the net cost of the vehicle at \$12,341.14. She reminded everyone of the Carry-On Trailer reopening celebration on Wednesday.

Moved to adjourn by Council member Struble, seconded by Council member Johnson.
Motion carried on a 4-0 vote. Meeting adjourned at 7:40 p.m.

Clint Sargent, Mayor

Attest:
Rita Miller
City Clerk/Administrator

RESOLUTION 16-24

FISCAL YEAR 2015-2016 ANNUAL URBAN RENEWAL REPORT

BE IT RESOLVED by the City Council of the City of Missouri Valley, Iowa that the Council has approved the Annual Urban Renewal Report for FY15-16 this 18th day of October, 2016.

Clint Sargent, Mayor

ATTEST:

Rita M. Miller
City Clerk/Administrator

ORDINANCE #504 – REVISED

AN ORDINANCE TO AMEND PORTIONS OF SECTION 90.06 OF THE CODE OF ORDINANCES OF THE CITY OF MISSOURI VALLEY, IOWA TO INCLUDE PROVISIONS FOR WATER TREATMENT CAPITAL FACILITIES CHARGES DUE FOR ALL NEW DEVELOPMENT RESIDENTIAL, COMMERCIAL, INDUSTRIAL AND INSTITUTIONAL PROPERTY WHO CONNECT TO THE CITY'S PUBLIC WATER SYSTEM

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

SECTION 1. **SECTION MODIFIED.** Section 90.06 of the Code of Ordinances of the City of Missouri Valley, Iowa is repealed and the following adopted in lieu thereof:

90.06 CHARGES AND FEES FOR PERMIT. All new development residential, commercial, industrial and institutional customers shall pay a Capital Facility Charge and a Hookup (Tap) Fee for water service at the time they file for a permit to connect to the City's public water system. The Capital Facility Charge shall compensate the City for the expense of providing the capital facilities needed to process treated water and provide pressure and storage of the treated

water to be used by the customer. The hookup (tap) fee shall compensate the City for the expense of processing a permit for connection and the inspection of the connection of the customer's water service to the City's water system. New development is defined as the use of land which has never received City water service, or land whose use will result in a change in its present function or water demand. (See City's Administrative Guidelines for Implementation of Ordinance #504).

1. CAPITAL FACILITY CHARGES shall be in accordance with the following schedule:

Residential Lot	\$1,300.00 per lot
Multi-Family Complex	\$1,000.00 per each unit
Commercial Parcel	\$3,900.00 per acre (one acre minimum)
Industrial Parcel	\$3,900.00 per acre (one acre minimum)
Institutional Parcel	\$3,900.00 per acre (one acre minimum)

2. HOOKUP (TAP) FEES shall be in accordance with the following schedule:

Meter Size	Flow Rate	Ratio	Hookup Charge
5/8 inch	10 gpm	1.0	\$ 250.00
¾ inch	15 gpm	1.5	\$ 375.00
1 inch	25 gpm	2.5	\$ 625.00
1 ½ inch	50 gpm	5.0	\$ 1,250.00
2 inch	80 gpm	8.0	\$ 2,000.00

For meter sizes larger than 2 inch, the fee shall be \$25.00 per each gallon-per-minute of flow rate capacity of the meter.

3. ALL CHARGES AND FEES shall be paid prior to the issuance of the permit to connect, except for new multiple-lot subdivisions, which shall be as follows:
 - a. For new multiple-lot subdivisions, the first one-half of the Capital Facility Charge for all residential, commercial, and industrial lots shall be paid by the developer of the new subdivision prior to the City's approval and signing of the subdivision's preliminary plat.
 - b. For new multiple-lot subdivisions, the second one-half of the Capital Facility Charge for all residential, commercial, and industrial lots shall be paid by the owner of the lots within the new subdivision, at the time each owner requests a permit to connect to the water system.
 - c. For new multiple-lot subdivisions, the hookup (tap) fee for all residential, commercial, and industrial lots shall be paid by the owner of the lots within the new subdivision, at the time each owner requests a permit to connect to the water system.

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 AND APPROVED BY THE COUNCIL THIS DAY OF , 2016.

Clint Sargent, Mayor

ATTEST:

Rita Miller, City Clerk/Administrator

I certify that the foregoing was published as Ordinance #504 – Revised on the _____ day of _____, 2016.

Rita M. Miller, City Clerk/Administrator

1st reading: 10-04-2016
2nd reading: 10-18-2016

ORDINANCE #505 – AMENDED - REVISED

AN ORDINANCE TO AMEND PORTIONS OF SECTION 96.02 OF THE CODE OF ORDINANCES OF THE CITY OF MISSOURI VALLEY, IOWA TO INCLUDE PROVISIONS FOR SANITARY SEWER CAPITAL FACILITIES CHARGES DUE FOR ALL NEW DEVELOPMENT RESIDENTIAL, COMMERCIAL, INDUSTRIAL AND INSTITUTIONAL PROPERTY WHO CONNECT TO THE CITY’S PUBLIC SEWER SYSTEM

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

SECTION 1. SECTION MODIFIED. Section 96.02 of the Code of Ordinances of the City of Missouri Valley is hereby repealed and the following adopted in lieu thereof:

96.02 CHARGES AND FEES FOR PERMIT. All new development residential, commercial, industrial and institutional customers shall pay a Capital Facility Charge and a Hookup (Tap) Fee for sanitary sewer service at the time they file for a permit to connect to the City’s public sanitary sewer system. The Capital Facility Charge shall compensate the City for the expense of providing the capital facilities needed to process treated sewage and provide interceptor sewers to convey raw sewage from collection mains to the sewage treatment plant. The hookup (tap) fee shall compensate the City for the expense of processing a permit for connection and the inspection of the connection of the customer’s building sewer to the City’s collection mains. New development is defined as the use of land which has never received City sewer service, or land whose use will result in a change in its present function or sewer demand. (See City’s Administrative Guidelines for Implementation of Ordinance #505).

1. CAPITAL FACILITY CHARGES shall be in accordance with the following schedule:

Residential Lot	\$1,000.00 per lot
Multi-Family Complex	\$ 800.00 per each unit
Commercial Parcel	\$3,000.00 per acre (one acre minimum)
Industrial Parcel	\$3,000.00 per acre (one acre minimum)
Institutional Parcel	\$3,000.00 per acre (one acre minimum)

2. HOOKUP (TAP) FEES shall be in accordance with the following schedule:

Building Sewer Line Size	Ratio	Hookup Charge
4 inch	1.0	\$ 250.00
6 inch	2.0	\$ 500.00
8 inch	4.0	\$ 1,000.00

For line sizes larger than 8 inch, the fee shall be determined by the City.

3. ALL CHARGES AND FEES shall be paid prior to the issuance of the permit to connect, except for new multiple-lot subdivisions, which shall be as follows:

- a. For new multiple-lot subdivisions, the first one-half of the Capital Facility Charge for all residential, commercial, and industrial lots shall be paid by the developer of the new subdivision prior to the City's approval and signing of the subdivision's preliminary plat.
- b. For new multiple-lot subdivisions, the second one-half of the Capital Facility Charge for all residential, commercial, and industrial lots shall be paid by the owner of the lots within the new subdivision, at the time each owner requests a permit to connect to the sanitary sewer system.
- c. For new multiple-lot subdivisions, the hookup (tap) fee for all residential, commercial, and industrial lots shall be paid by the owner of the lots within the new subdivision, at the time each owner requests a permit to connect to the sanitary sewer system.

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 AND APPROVED THIS DAY OF , 2016.

CITY OF MISSOURI VALLEY, IOWA

Clint Sargent, Mayor

ATTEST:

Rita Miller, City Clerk/Administrator

I certify that the foregoing was published as Ordinance #505-Amended - Revised on the day of , 2016.

Rita M. Miller, City Clerk/Administrator

1st reading: 10-04-2016

2nd reading: 10-18-2016

ORDINANCE #521

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF MISSOURI VALLEY, IOWA, BY AMENDING SECTIONS OF CHAPTER 122, PERTAINING TO REGULATION OF GARAGE SALES

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

SECTION 1. SECTION MODIFIED. The Code of Ordinances of the City of Missouri Valley, Iowa, is hereby amended by adding a new Subsection 4 under Section 122.02 entitled DEFINITIONS, which is hereby adopted to read as follows:

4. “Garage and yard sales” mean those casual and occasional sales of household goods by the owner to the public, on a non-receiving basis.

SECTION 2. SUBSECTION REPEALED. The Code of Ordinances of the City of Missouri Valley, Iowa, is hereby amended by repealing Section 122.17, Subsection 3, and the following adopted in lieu thereof:

3. Local Residents and Farmers. Local residents and farmers who offer for sale their own products as long as the following provisions are followed:

- A. Residentially zoned properties shall be allowed no more than one garage sale each 30 days, excluding any city-wide organized garage sale event.
- B. Each garage sale shall last no longer than 72 hours.

SECTION 3. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4. 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 5. 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 18th day of October, 2016 and approved this 18th day of October, 2016.

Clint Sargent, Mayor

ATTEST:

Rita M. Miller, City Clerk/Administrator

I certify that the foregoing was published as Ordinance #521 on the 26th day of October, 2016.

Rita M. Miller, City Clerk/Administrator

1st reading: 9-20-2016
2nd reading: 10-04-2016
3rd reading: 10-18-2016
Published: 10-26-2016

ORDINANCE #522

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF MISSOURI VALLEY, IOWA BY AMENDING SECTION 105.05 OPEN BURNING RESTRICTED BY AMENDING PROVISIONS PERTAINING TO RECREATIONAL FIRES

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

SECTION 1. SECTION MODIFIED. Section 105.05(4) is repealed and the following adopted in lieu thereof:

4. Recreational Fires. Open fires for cooking, heating, recreation and ceremonies, including fires in chimineas and similar patio devices, are permitted between the hours of 6:00 a.m. and 12:00 a.m. (midnight); utilizing only charcoal, clean, dry seasoned firewood, natural gas or propane; having a diameter of three feet or less and two feet in height; located at least fifteen (15) feet from the nearest building or structure on an adjacent

property; and provided they comply with the limits for emission of visible air contaminants established by the State Department of Natural Resources. Rubber tires shall not be burned in a recreational fire. A recreational fire may not be used to dispose of refuse, household waste, leaves, brush or construction materials and must be constantly supervised by a competent person who shall have available fire control materials (water or fire extinguisher) until the fire is extinguished.

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 , 2016 and approved this day of , 2016.

Clint Sargent, Mayor

ATTEST:

Rita M. Miller, City Clerk/Administrator

I certify that the foregoing was published as Ordinance # on the day of , 2016.

Rita M. Miller, City Clerk/Administrator

1st reading: 10-04-2016

2nd reading: 10-18-2016

ORDINANCE #523

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF MISSOURI VALLEY, IOWA, BY AMENDING PROVISIONS PERTAINING TO LOAD LIMITS UPON CERTAIN STREETS

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

SECTION 1. SECTION MODIFIED. Section 66.03 Subsection 1 of the Code of Ordinances of the City of Missouri Valley, Iowa, is repealed and the following adopted in lieu thereof;

1. S. 9th Street from Erie Street to Canal Street – 10 ton; except from September 15 to November 15 the limit shall be increased to 15 ton

SECTION 4. 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 5. 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 _____, 2016 and approved this ___ day of _____, 2016.

Clint Sargent, Mayor

ATTEST:

Rita M. Miller, City Clerk/Administrator

I certify that the foregoing was published as Ordinance #___ on the ___ day of _____, 2016.

Rita M. Miller, City Clerk/Administrator

1st reading: 10-18-16

ORDINANCE #524

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF MISSOURI VALLEY, IOWA, BY ADDING A NEW SECTION LIMITING PARKING ON A PORTION OF LINN STREET

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

SECTION 1. NEW SECTION. The Code of Ordinances of the City of Missouri Valley, Iowa, is amended by adding a new subsection under Section 69.08 **NO PARKING ZONES**, which is hereby adopted to read as follows:

29. Linn Street, on the south side, between 8th Street and 9th Street

SECTION 2. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

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 _____, 2016 and approved this ___ day of _____, 2016.

Clint Sargent, Mayor

ATTEST:

Rita M. Miller, City Clerk/Administrator

I certify that the foregoing was published as Ordinance #___ on the ___ day of _____, 2016.

Rita M. Miller, City Clerk/Administrator

1st reading: 10-18-2016