

CITY COUNCIL MEETING  
RAND CENTER  
OCTOBER 4, 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: Tiffey, Gunderson, Thompson, Johnson. Council member Struble was absent. Also present were City Clerk/Administrator Miller, Chief Murray, Engineer Olmsted, and visitors: Ken Dooley, John Riley, Leonard Ratliff.

The Pledge of Allegiance was recited.

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

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

During citizen inquiries it was requested the council members look at the condition of the west side of George Street. This will be reviewed at the next meeting. It was also requested the weight limit on S. 9<sup>th</sup> Street be increased to allow small farm vehicles and equipment to be able to travel on it and alleviate congestion on Ontario Street during harvest season. Concerns were expressed about heavier traffic when the frost goes out in the spring. Following discussion, Council requested Miller draft an ordinance increasing the limit to 15 ton from September 15<sup>th</sup> to November 15<sup>th</sup> for the next meeting.

Jim Olmsted gave a status report on the 2016 Alley Reconstruction project and recommended payment of Pay Request #2. Moved by Council member Thompson to approve Pay Request #2 in the amount of \$68,942.93 from Spring Lake Construction, seconded by Council member Tiffey. Motion carried on a 4-0 vote.

Council reviewed the revisions to Ordinance #504 and #505. Mr. Olmsted explained the Guidelines for Implementation which clarified how the capital facility charges would be applied and also gave comparables on the charges from other towns.

Following discussion, Council member Johnson moved to approve the 1<sup>st</sup> reading of the revised Ordinance #504, "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 revised Ordinance #505, "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 Johnson. Motion carried on a 4-0 vote.

Moved by Council member Thompson to adopt the Administrative Guidelines For Implementation of Ordinance #504 and #505 as policy, seconded by Council member Johnson. Motion carried on a 4-0 vote.

Moved by Council member Johnson to approve the 2<sup>nd</sup> 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. It was clarified that this does not pertain to auctions or sales inside buildings rented for that purpose.

Following discussion, moved by Council member Johnson to approve the 1<sup>st</sup> 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 Tiffey. Motion carried on a 4-0 vote.

Moved by Council member Johnson to proceed with drafting an ordinance for no parking on the south side of Linn Street between 8<sup>th</sup> and 9<sup>th</sup> Streets, seconded by Council member Thompson. Motion carried on a 4-0 vote.

Moved by Council member Tiffey to approve Mayor’s appointment of Emil Gearhart and Kay Hinkel to the Park Board, seconded by Council member Thompson. Motion carried on a 4-0 vote.

Council reviewed and agreed upon the proposed annexation area. This area is preliminary and will be adjusted based on input from the identified property owners within the area and immediately adjacent to the area. Fact Sheets, including information on tax comparisons, access to city water and sewer, closer fire protection (hydrants instead of tanker) will be prepared for personal contact with the property owners.

City Clerk/Administrator Miller asked for Council’s direction in replacing the damaged 2015 Ford Taurus police cruiser. She suggested applying the insurance proceeds against a new vehicle in place of the FY18 vehicle replacement. Chief Murray provided input on his recommendation to continue the switch-over to Explorers. Moved by Council member Johnson to proceed with replacing the damaged vehicle with a 2017 Ford Explorer, seconded by Council member Tiffey. Motion carried on a 4-0 vote.

Moved by Council member Tiffey to accept the quote from PALFleet of \$6,100 for snow plow, harness and bracket, seconded by Council member Johnson. Motion carried on a 4-0 vote.

Council member Gunderson asked Council to consider no parking on the east side of 5<sup>th</sup> Street from Linn Street south 45 ft. This will be considered at the next meeting.

Moved to adjourn by Council member Johnson, seconded by Council member Thompson. Motion carried on a 4-0 vote. Meeting adjourned at 7:34 p.m.

Clint Sargent, Mayor

Attest:  
Rita 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.

CITY OF MISSOURI VALLEY, IOWA

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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.

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Rita M. Miller, City Clerk/Administrator

1<sup>st</sup> reading: 10-4-2016

### **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:

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Rita Miller, City Clerk/Administrator

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

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Rita M. Miller, City Clerk/Administrator

1<sup>st</sup> reading: 10-4-2016

## **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.



**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:

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Rita M. Miller, City Clerk/Administrator

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

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Rita M. Miller, City Clerk/Administrator

1<sup>st</sup> reading: 10-4-2016