

CITY COUNCIL MEETING
RAND CENTER
NOVEMBER 1, 2016
6:00 P.M.

Mayor Sargent presided over the regular session and called it to order at 6:00 p.m. with the following Council members present: Struble, Tiffey, Gunderson, Thompson, Johnson. Also present were City Clerk/Administrator Miller, Shawn Kelly, Dave Scott, Tom Jarosz, Jesusa Christians, Bruce Kocher, Dawn Sellers.

The Pledge of Allegiance was recited.

Moved by Council member Tiffey to approve the Agenda for November 1, 2016 as presented, seconded by Council member Struble. Motion carried on a 5-0 vote.

Moved by Council member Struble to approve the Consent Agenda, seconded by Council member Tiffey. Motion carried on a 5-0 vote.

Following a citizen's complaint, Council reviewed the nuisance complaint procedures and determined all complaints must be in writing and signed before they will be acted on for abatement. Verbal complaints will no longer be accepted.

Library Director Kocher presented an update from the Library and information on the ancestry – Library edition. Council requested he report back on the amount of usage of the genealogy program.

A citizen addressed the Council in regard to the on-going nuisance at her neighbor's property. City Clerk/Administrator Miller reported a municipal infraction had been issued and the City couldn't do anything more until a court order is issued. Council directed her to follow up with the Magistrate and also the Harrison County Public Health.

Moved by Council member Struble to approve the 3rd 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 Johnson. Motion carried on a 5-0 vote. Mayor Sargent declared the ordinance passed and adopted upon publication.

Moved by Council member Johnson to approve the 3rd 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 Struble. Motion carried on a 5-0 vote. Mayor Sargent declared Ordinance #505 passed and adopted upon publication.

Moved by Council member Tiffey to approve the 3rd 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 5-0 vote. Mayor Sargent declared Ordinance #522 passed and adopted upon publication.

Moved by Council member Johnson to approve the 2nd 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 Thompson. Motion carried on a 5-0 vote.

Moved by Council member Tiffey 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 and North Fifth Street” as amended, seconded by Council member Thompson. Motion carried on a 5-0 vote. Moved by Council member Thompson to waive the 2nd reading of Ordinance #524, seconded by Council member Johnson. Motion carried on a 5-0 vote. Council member Gunderson asked about adding the 45th of 5th Street south of Linn Street as ‘no parking’ and Council consensus was to leave as is.

Moved by Council member Thompson to approve Resolution 16-25, “Obligating Funds From The Urban Renewal Tax Revenue Fund For Appropriation To The Payment Of Annual Appropriation Tax Increment Financed Obligations Which Shall Come Due In The Next Succeeding Fiscal Year”, seconded by Council member Johnson. Motion carried on a 5-0 vote.

City Clerk/Administrator Miller informed Council that Tim Guill had stated he would not be using the TIF funds on the Tamarack property as originally set up in the Development Agreement. He is now requesting the Council approve a revised Agreement for a TIF rebate on a market-rate residential development. This would apply only on the public improvements (water, sewer and storm sewer) that would be dedicated to the City at the completion of the project and would require an amendment to the Urban Renewal plan. Moved by Council member Johnson to proceed with the revised Agreement, seconded by Council member Struble. Motion carried on a 5-0 vote.

Council reviewed the Fire Department candidates. Moved by Council member Johnson to approve the recommendation of Fire Chief Kelly to bring on the probationary members, seconded by Council member Tiffey. Motion carried on a 5-0 vote.

City Clerk/Administrator Miller informed Council that there is a Change Order pending from Spring Lake Construction. Also, the Chamber has invited them to a ‘mock sign raising’ for the new LED sign on Thursday, November 3rd at 10:00 a.m.

Council member Thompson stated he had looked at the Main Street Program in Woodbine and Dunlap and urged the Council members to visit the two towns if they hadn’t already. Mayor Sargent suggested a traveling workshop so everyone could take a look at the main streets.

Mayor Sargent set an annexation workshop for November 29th at 6:00 p.m. at City Hall. City Clerk/Administrator will contact the City Engineer and ask him to attend.

Moved to adjourn by Council member Struble, seconded by Council member Johnson. Motion carried on a 5-0 vote. Meeting adjourned at 7:15 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 1st DAY OF NOVEMBER, 2016.

CITY OF MISSOURI VALLEY, IOWA

Clint Sargent, Mayor

ATTEST:

Rita Miller, City Clerk/Administrator

I certify that the foregoing was published as Ordinance #504 – Revised on the 9th day of November, 2016.

Rita M. Miller, City Clerk/Administrator

1st reading: 10-04-2016
2nd reading: 10-18-2016
3rd reading: 11-01-2016
Published: 11-09-2016

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 1st DAY OF NOVEMBER, 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 9th day of November, 2016.

Rita M. Miller, City Clerk/Administrator

1st reading: 10-04-2016
2nd reading: 10-18-2016
3rd reading: 11-01-2016
Published: 11-09-2016

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 1st day of November, 2016 and approved this day 1st of November, 2016.

Clint Sargent, Mayor

ATTEST:

Rita M. Miller, City Clerk/Administrator

I certify that the foregoing was published as Ordinance #522 on the 9th day of November, 2016.

Rita M. Miller, City Clerk/Administrator

1st reading: 10-04-2016

2nd reading: 10-18-2016

3rd reading: 11-01-2016

Published: 11-09-2016

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

2nd reading: 11-01-16

ORDINANCE #524 - AMENDED

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 AND NORTH FIFTH 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. SECTION MODIFIED Section 69.08 Subsection 11 of the Code of Ordinances of the City of Missouri Valley, Iowa, is repealed and the following adopted in lieu thereof;

11. Fifth Street, on the east side, from Huron Street to St Clair Street and from 50 ft south of Linn Street to Summit Street; on the west side from St Clair Street to Linn Street.

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 ___ 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: 11-1-2016
2nd reading: Waived

RESOLUTION 16-25

OBLIGATING FUNDS FROM THE URBAN RENEWAL TAX REVENUE FUND FOR APPROPRIATION TO THE PAYMENT OF ANNUAL APPROPRIATION TAX INCREMENT FINANCED OBLIGATIONS WHICH SHALL COME DUE IN THE NEXT SUCCEEDING FISCAL YEAR

WHEREAS, the City of Missouri Valley, Iowa (the "City"), pursuant to and in strict compliance with all laws applicable to the City, and in particular the provisions of Chapter 403 of the Code of Iowa, has adopted an Urban Renewal Plan for the 2014 Missouri Valley Urban Renewal Area (the "Urban Renewal Area"); and

WHEREAS, this Council has adopted an ordinance providing for the division of taxes levied on taxable property in the Urban Renewal Area pursuant to Section 403.19 of the Code of Iowa and establishing the fund referred to in Subsection 2 of Section 403.19 of the Code of Iowa (the "Urban Renewal Tax Revenue Fund"), which fund and the portion of taxes referred to in that

subsection may be irrevocably pledged by the City for the payment of the principal and interest on indebtedness incurred under the authority of Section 403.9 of the Code of Iowa to finance or refinance in whole or in part projects in the Urban Renewal Area; and

WHEREAS, the City has scheduled payments in the amount of \$37,984 (the “Annual Payment”) which shall come due in the fiscal year beginning July 1, 2017 with respect to the City’s Development Agreement with Longview Townhomes, LLC approved by resolution of the City Council on January 21, 2014; and

WHEREAS, it is now necessary for the City Council to obligate for appropriation to the Annual Payment, funds anticipated to be received in Urban Renewal Tax Revenue Fund in the fiscal year beginning July 1, 2017;

NOW, THEREFORE, It Is Resolved by the City Council of the City of Missouri Valley, Iowa, as follows:

Section 1. The City Council hereby obligates \$37,984 for appropriation from the Urban Renewal Tax Revenue Fund to the Annual Payment in the fiscal year beginning July 1, 2017.

Section 2. The City Clerk is hereby directed to certify the respective amounts obligated for appropriation in Section 1 above, with the City’s December 1, 2016 certification of debt payable from the Urban Renewal Tax Revenue Fund and to reflect such amount in the City’s budget for the next succeeding fiscal year.

Section 3. All resolutions or parts of resolutions in conflict herewith are hereby repealed.

Passed and approved November 1, 2016.

Clint Sargent, Mayor

ATTEST:

Rita M. Miller
City Clerk/Administrator