

**CITY OF MISSOURI VALLY
CITY COUNCIL MEETING
MISSOURI VALLEY PUBLIC LIBRARY
Tuesday, January 22, 2019
6:00 P.M.**

Mayor Pro-Tem Struble presided over the meeting and called it to order at 6:00 P.M. with the following Council members present: Gunderson, Pfouts, Struble, and Stueve. Absent: Tiffey. Also present were: Caleb Wohlers, Jim Olmsted, Bruce Kocher, Leonard Ratliff, Jonathan McDonald, Bob Erixon

The Pledge of Allegiance was recited.

Struble asked Council for any comments or additions-Gunderson requested and will be 17a.

Motion by Pfouts, seconded by Stueve to approve the agenda for the January 22, 2019 meeting. Motion carried on a 4-0 vote.

Motion by Stueve, seconded by Pfouts to approve the following items on the consent agenda: a) Minutes from January 8, 2019 and January 10, 2019 City Council Meetings b) Claims list c) Water & Park Board Reports d) Clerks Financial Report e) Approve Liquor License for Casey's General Store #2612. Motion carried on a 4-0 vote.

Jim Olmsted with Olmsted & Perry gave updates on the City's current projects. The 5th Street Paving Project will not be completed until Spring. Olmsted stated that the contractor is compiling a pay request and that after it is paid the City will hold the retainage. Sherman Company will be here Thursday to finish minor work. After the work is completed VESCO will come to look at operations and procedures. There will be no charge from VESCO. Olmsted stated they are looking at the two other cells. Olmsted has met with the engineer hired by the bonding company for the Tamarack addition. The engineer is looking at the deficiencies and the City will not accept the work until the deficiencies are corrected.

Motion Stueve, seconded by Pfouts to approve Dennis Collier to the Citizen Advisory Committee for the City Hall/Fire Station. Motion carried on a 4-0 vote.

Motion by Pfouts, seconded by Stueve to hire Logan Lieber as Police Officer effective 02/04/2019. Motion carried on a 4-0 vote.

Resolution #19-03 was introduced Setting Wage. Motion by Stueve, seconded by Pfouts. Motion carried on a 4-0 vote.

Ordinance #544 was introduced Amending the Code of Ordinances of the City of Missouri Valley, Iowa By Amending Water Service System. Motion by Pfouts, seconded by Stueve to waive the 2nd and 3rd readings. Motion carried on a 4-0 vote. Motion by Pfouts seconded by Stueve to adopt Ordinance #544. Motion carried on a 4-0 vote.

Ordinance #545 was introduced Amending the Code of Ordinances of the City of Missouri Valley, Iowa By Amending Building Sewers and Connections. Motion by Pfouts, seconded by

Stueve to waive the 2nd and 3rd readings. Motion carried on a 4-0 vote. Motion by Pfouts seconded by Stueve to adopt Ordinance #545. Motion carried on a 4-0 vote.

Ordinance #546 was introduced Amending the Code of Ordinances of the City of Missouri Valley, Iowa By Amending Provisions Pertaining to Alcoholic Beverage Control. Motion by Pfouts, seconded by Stueve to adopt the 1st reading. Motion carried on a 4-0 vote. Motion by Stueve, seconded by Pfouts to waive the 2nd and 3rd readings. Motion carried on a 4-0 vote. Motion by Pfouts, seconded by Stueve to adopt Ordinance #546. Motion carried on a 4-0 vote.

Ordinance #547 was introduced Ordinance Amending the Code of Ordinances of the City of Missouri Valley, Iowa By Amending Provisions Pertaining to Traffic Regulations. Motion by Pfouts, seconded by Gunderson to waive the 2nd and 3rd readings. Motion carried on a 4-0 vote. Motion by Pfouts, seconded by Stueve to adopt Ordinance #547. Motion carried on a 4-0 vote.

Ordinance #548 was introduced Ordinance Amending the Code of Ordinances of the City of Missouri Valley, Iowa By Amending Provisions Pertaining to Cigarette and Tobacco Permits. Motion by Stueve, seconded by Pfouts to waive the 2nd and 3rd readings. Motion carried on a 4-0 vote. Motion by Stueve, seconded by Pfouts to adopt Ordinance #548. Motion carried on a 4-0 vote.

Motion Pfouts, seconded by Stueve to Authorize Mayor to Sign Letter from PeopleService Acknowledging the Annual Adjustment for Services in Accordance with the Operations and Maintenance Agreement. Motion carried on a 4-0 vote.

Gunderson is concerned about the passing lane by Casey's. Flaherty and Murray will see if there is anything that can be changed. He was approached by an individual that received notice on their dilapidated structure and wondered if there was anything the City could do to help low income individuals. Flaherty stated that the City had to treat all citizens equally but SWIPCO was doing a housing rehabilitation program and the individual could apply for assistance.

Motion by Pfouts, seconded by Stueve to enter into closed session at 6:39 p.m. per IA Code 21.5(1)(i) to evaluate the professional competency of an individual whose appointment, hiring, performance, or discharge is being considered when necessary to prevent needless and irreparable injury to that individual's reputation and that individual requests a closed session.

Motion by Stueve, seconded by Gunderson to return to open session at 7:20 p.m. with no action taken. Motion carried on a 4-0 vote.

Motion by Stueve, seconded by Pfouts to adjourn at 7:21 p.m. Motion carried on a 4-0 vote.

Sherman Struble, Mayor Pro-Tem

Attest: Jodie Flaherty, City Clerk

RESOLUTION 19-03

RESOLUTION SETTING WAGE

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

The following employee shall be paid the wage and salary indicated and the City Clerk is authorized to issue checks, less legally required or authorized deductions from the amount set out below, bi-weekly, and to make such contributions to IPERS and social security or other purposes as required by law or authorization of the Council, all subject to audit and review by the Council:

<u>Position</u>	<u>Name</u>	<u>Hourly Wage</u>
Police Officer	Logan Lieber	\$ 20.81

Passed and approved this 22nd day of January, 2019.

Sherman Struble, Mayor Pro-Tem

ATTEST:

Jodie Flaherty, City Clerk

ORDINANCE #544

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

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

SECTION 1. CHAPTER MODIFIED. Chapter 90 of the Code of Ordinances of the City of Missouri Valley, Iowa is repealed and the following adopted in the lieu thereof:

**CHAPTER 90
WATER SERVICE SYSTEM**

- | | |
|--|--|
| 90.01 Definitions | 90.11 Installation of Water Service Pipe |
| 90.06 Superintendent’s Duties | 90.12 Responsibility for Water Service Pipe |
| 90.03 Mandatory Connections | 90.13 Failure to Maintain |
| 90.04 Abandoned Connections | 90.14 Curb Valve |
| 90.05 Permit | 90.15 Interior Valve |
| 90.06 Charges and Fees for Permit | 90.16 Inspection and Approval |
| 90.07 Compliance with Plumbing Code | 90.17 Completion by the City |
| 90.08 Plumber Required | 90.18 Shutting off Water Supply |
| 90.09 Excavations | 90.19 Operation of Curb Valve and Hydrants |
| 90.10 Tapping Mains | |

90.01 DEFINITIONS. The following terms are defined for use in the chapters in this Code of Ordinances pertaining to the Water Service System:

1. “Combined service account” means a customer service account for the provision of two or more utility services.
2. “Customer” means, in addition to any person receiving water service from the City, the owner of the property served, and as between such parties the duties, responsibilities, liabilities and obligations hereinafter imposed shall be joint and several.
3. “Superintendent” means the Superintendent of the City water system or any duly authorized assistant, agent or representative.
4. “Water main” means a water supply pipe provided for public or community use.
5. “Water service pipe” means the pipe from the water main to the building served.
6. “Water system” or “water works” means all public facilities for securing, collecting, storing, pumping, treating, and distributing water.

90.02 SUPERINTENDENT’S DUTIES. The Superintendent shall supervise the installation of water service pipes and their connection to the water main and enforce all regulations pertaining to water services in the City in accordance with this chapter. This chapter shall apply to all replacements of existing water service pipes as well as to new ones. The Superintendent shall make such rules, not in conflict with the provisions of this chapter, as may be needed for the detailed operation of the water system, subject to the approval of the Council. In the event of an emergency the Superintendent may make temporary rules for the protection of the system until due consideration by the Council may be had.

(Code of Iowa, Sec. 372.13[4])

90.03 MANDATORY CONNECTIONS. All residences and business establishments within the City limits intended or used for human habitation, occupancy or use shall be connected to the public water system, if it is reasonably available and if the building is not furnished with pure and wholesome water from some other source.

90.04 ABANDONED CONNECTIONS. When an existing water service is abandoned or a service is renewed with a new tap in the main, all abandoned connections with the mains shall be turned off at the corporation stop and made absolutely watertight.

90.05 PERMIT. Before any person makes a connection with the public water system, a written permit must be obtained from the City. The application for the permit shall include a legal description of the property, the name of the property owner, the name and address of the person who will do the work, and the general uses of the water. If the proposed work meets all the requirements of this chapter and if all fees required under this chapter have been paid, the permit shall be issued. Work under any permit must be completed within sixty (60) days after the permit is issued, except that when such time period is inequitable or unfair due to conditions beyond the control of the person making the application, an extension of time within which to complete the work may be granted. The permit may be revoked at any time for any violation of these chapters.

90.06 CHARGES AND FEES FOR PERMIT. All new residential, commercial, industrial and institutional development shall pay a Capital Facility Charge for water service at the time such development files for a permit to connect to the City’s public water system and shall pay a Water Hookup (Tap) Fee for water service at the time they file for a permit to connect to the City’s public water system. New development is defined as 1) a land improvement of facility needing water service for the first time, or 2) a land improvement or facility whose use will result in a change in its present classification or water demand.

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 land improvement of facility. The Capital Facility Charge shall apply to areas both inside and outside the existing city limits of Missouri Valley. The City Limit lines which define inside or outside development, and which apply to this ordinance, are as shown on the attached map of 12-13-2017.

1. WATER CAPITAL FACILITY CHARGES for new inside City Limits users shall be in accordance with the following schedule:

<u>Classification</u>	<u>Charge</u>
Residential Lot	\$450.00 per lot
Multi-Family Complex	\$350.00 per each unit
Commercial Parcel	\$1,300.00 per acre (one acre minimum)
Industrial Parcel	\$1,300.00 per acre (one acre minimum)
Institutional Parcel	\$1,300.00 per acre (one acre minimum)

2. WATER CAPITAL FACILITY CHARGES for new outside City Limits users shall be in accordance with the following schedule:

<u>Classification</u>	<u>Charge</u>
Residential Lot	\$1,300.00 per lot
Multi-Family Complex	\$1,000.00 per 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)

For a land improvement or facility whose use will result in a change from its present classification or water demand, to a new stepped up classification or water demand, the Capital Facility Charge shall be the difference between the original classification charge rate and the new classification charge rate.

3. ALL CAPITAL FACILITY CHARGES 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, industrial, and institutional 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, industrial, and institutional 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.

The Water 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. The hookup (tap) fee shall apply to all new connections regardless of whether they are located inside or outside of the city limits of Missouri Valley.

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

Water Meter Size	Flow Rate	Ratio	Hookup Charge
5/8 inch	10 gpm	1.0	\$ 250.00
3/4 inch	15 gpm	1.5	\$ 375.00
1 inch	25 gpm	2.5	\$ 625.00
1 1/2 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.

2. ALL HOOKUP (TAP) FEES shall be paid by the owner of the lots or property to be connected at the time each owner requests a permit to connect to the water system.
3. For a land improvement or facility whose use will result in a change from its present classification or water demand, to a new stepped up classification or water demand, the Hookup (Tap) Fee shall be the difference between the original classification fee and the new classification fee.

90.07 COMPLIANCE WITH PLUMBING CODE. The installation of any water service pipe and any connection with the water system shall comply with all pertinent and applicable

provisions, whether regulatory, procedural or enforcement provisions, of the *State Plumbing Code* and the *Uniform Plumbing Code*.

90.08 PLUMBER REQUIRED. All installations of water service pipes and connections to the water system shall be made by a State-licensed plumber.

90.09 EXCAVATIONS. All trench work, excavation, and backfilling required in making a connection shall be performed in accordance with applicable excavation provisions as provided for installation of building sewers and/or the provisions of Chapter 135.

90.10 TAPPING MAINS. All taps into water mains shall be made by or under the direct supervision of the Superintendent and in accord with the following:

(Code of Iowa, Sec. 372.13[4])

1. Independent Services. No more than one house, building, or premises shall be supplied from one tap unless special written permission is obtained from the Superintendent and unless provision is made so that each house, building, or premises may be shut off independently of the other.
2. Sizes and Location of Taps. All mains six (6) inches or less in diameter shall receive no larger than a ¾-inch tap. All mains of over six inches in diameter shall receive no larger than a one-inch tap. Where a larger connection than a one-inch tap is desired, two or more small taps or saddles shall be used, as the Superintendent shall order. All taps in the mains shall be made in the top half of the pipe, at least eighteen (18) inches apart. No main shall be tapped nearer than two (2) feet of the joint in the main.
3. Corporation Stop. A brass corporation stop, of the pattern and weight approved by the Superintendent, shall be inserted in every tap in the main. The corporation stop in the main shall be of the same size as the service pipe.
4. Location Record. An accurate and dimensional sketch showing the exact location of the tap shall be filed with the Superintendent in such form as the Superintendent shall require.

90.11 INSTALLATION OF WATER SERVICE PIPE. Water service pipes from the main to the meter setting shall be Type K copper. The use of any other pipe material for the service line shall first be approved by the Superintendent. Pipe must be laid sufficiently waving, and to such depth, as to prevent rupture from settlement or freezing.

90.12 RESPONSIBILITY FOR WATER SERVICE PIPE. All costs and expenses incident to the installation, connection, and maintenance of the water service pipe from the main, including the connection and curb valve on the main to the meter for the building served shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation or maintenance of said water service pipe.

90.13 FAILURE TO MAINTAIN. When any portion of the water service pipe which is the responsibility of the property owner becomes defective or creates a nuisance and the owner fails to correct such nuisance the City may do so and assess the costs thereof to the property.

(Code of Iowa, Sec. 364.12[3a & h])

90.14 CURB VALVE. There shall be installed within the public right-of-way a main shut-off valve on the water service pipe of a pattern approved by the Superintendent. The shut-off valve shall be constructed to be visible and even with the pavement or ground.

90.15 INTERIOR VALVE. There shall be installed a shut-off valve (hand valve) on every service pipe inside the building as close to the entrance of the pipe within the building as possible and so located that the water can be shut off conveniently. Where one service pipe supplies more than one customer within the building, there shall be separate valves for each such customer so that service may be shut off for one without interfering with service to the others.

90.16 INSPECTION AND APPROVAL. All water service pipes and their connections to the water system must be inspected and approved in writing by the Superintendent before they are covered, and the Superintendent shall keep a record of such approvals. If the Superintendent refuses to approve the work, the plumber or property owner must proceed immediately to correct the work. Every person who uses or intends to use the municipal water system shall permit the Superintendent to enter the premises to inspect or make necessary alterations or repairs at all reasonable hours and on proof of authority.

90.17 COMPLETION BY THE CITY. Should any excavation be left open or only partly refilled for twenty-four (24) hours after the water service pipe is installed and connected with the water system, or should the work be improperly done, the City shall have the right to finish or correct the work, and the Council shall assess the costs to the property owner or the plumber. If the plumber is assessed, the plumber must pay the costs before receiving another permit. If the property owner is assessed, such assessment may be collected with and in the same manner as general property taxes.

(Code of Iowa, Sec. 364.12[3a & h])

90.18 SHUTTING OFF WATER SUPPLY. The Superintendent may shut off the supply of water to any customer because of any violation of the regulations contained in these Water Service System chapters that is not being contested in good faith. The supply shall not be turned on again until all violations have been corrected and the Superintendent has ordered the water to be turned on.

90.19 OPERATION OF CURB VALVE AND HYDRANTS. It is unlawful for any person except the Superintendent to turn water on at the curb valve, and no person, unless specifically authorized by the City, shall open or attempt to draw water from any fire hydrant for any purpose whatsoever.

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 22nd DAY OF JANUARY, 2019.

CITY OF MISSOURI VALLEY, IOWA

Sherman Struble, Mayor Pro-Tem

ATTEST:

Jodie Flaherty, City Clerk

I certify that the foregoing was published as Ordinance #544 on the 30th day of January, 2019.

Jodie Flaherty, City Clerk

1st reading: 1-22-2019

2nd reading: Waived

3rd reading: Waived

Published Summary: 1-30-2019

ORDINANCE #545

AN ORDINANCE TO AMENDING THE CODE OF ORDINANCES OF THE CITY OF MISSOURI VALLEY, IOWA BY AMENDING BUILDING SEWERS AND CONNECTIONS

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

SECTION 1. CHAPTER MODIFIED. Chapter 96 of the Code of Ordinances of the City of Missouri Valley, Iowa is repealed and the following adopted in the lieu thereof:

CHAPTER 96

BUILDING SEWERS AND CONNECTIONS

96.01 Permit

96.02 Charges and Fees for Permit

96.03 Plumber Required

96.04 Excavations

96.05 Connection Requirements

96.06 Sewer Tap

96.07 Inspection Required

96.08 Property Owner's Responsibility

96.09 Abatement of Violations

96.01 PERMIT. No unauthorized person shall uncover, make any connection with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the City. The application for the permit shall set forth the location and description of the property to be connected with the sewer system and the purpose for which the sewer is to be used, and shall be supplemented by any plans, specifications, or other information considered pertinent. The permit shall require the owner to complete construction and connection of the building sewer to the public sewer within sixty (60) days after the issuance of the permit, except that when a property owner makes sufficient showing that due to conditions beyond the owner's control or peculiar hardship, such time period is inequitable or unfair, an extension of time within which to comply with the provisions herein may be granted. Any sewer connection permit may be revoked at any time for a violation of these chapters.

96.02 CHARGES AND FEES FOR PERMIT. All new residential, commercial, industrial and institutional development shall pay a Capital Facility Charge and a Sewer 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. New development is defined as 1) a land improvement or facility needing sewer service for the first time, or 2) a land improvement or facility whose sewer use will result in a change from its present sewer demand.

All new residential, commercial, industrial and institutional development shall pay a Capital Facility Charge for sanitary sewer service at the time such development files for a permit to connect to the City's public sanitary sewer system. New development is defined as 1) a land improvement or facility needing sewer service for the first time, or 2) a land improvement or facility whose use will result in a change in its present classification or sewer demand.

The Capital Facility Charge shall compensate the City for the expense of providing the capital facilities needed to treat raw sewage and provide interceptor sewers to convey raw sewage from collection mains to the sewage treatment plant. The Capital Facility Charge shall apply to areas both inside and outside the existing city limits of Missouri Valley. The City Limit lines which define inside or outside development, and which apply to this ordinance, are as shown on the attached map of 12-13-2017.

For a land improvement or facility needing sewer service for the first time, the Capital Facility Charge shall be in accordance with the following schedules:

1. SEWER CAPITAL FACILITY CHARGES for new inside City Limits users shall be in accordance with the following schedule:

<u>Classification</u>	<u>Charge</u>
Residential Lot	\$350.00 per lot
Multi-Family Complex	\$275.00 per each unit
Commercial Parcel	\$1,000.00 per acre (one acre minimum)
Industrial Parcel	\$1,000.00 per acre (one acre minimum)
Institutional Parcel	\$1,000.00 per acre (one acre minimum)

2. SEWER CAPITAL FACILITY CHARGES for new outside City Limit users shall be in accordance with the following schedule:

<u>Classification</u>	<u>Charge</u>
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)

For a land improvement or facility whose use will result in a change from its present classification or sewer demand, to a new stepped up classification or sewer demand, the Capital Facility Charge shall be the difference between the original classification charge rate and the new classification charge rate.

3. ALL CAPITAL FACILITY CHARGES 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, industrial and institutional 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, industrial and institutional 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.

The Sewer 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. The hookup (tap) fee shall apply to all new connections regardless of whether they are located inside or outside the city limits of Missouri Valley.

1. SEWER 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.

2. ALL HOOKUP (TAP) FEES shall be paid by the owner of the lots or property to be connected at the time each owner requests a permit to connect to the sanitary sewer system.
3. For a land improvement or facility whose use will result in a change from its present classification or sewer demand, to a new stepped up classification or sewer demand, the Hookup (Tap) Fee shall be the difference between the original classification fee and the new classification fee.

96.03 PLUMBER REQUIRED. All installations of building sewers and connections to the public sewer shall be made by a State-licensed plumber.

96.04 EXCAVATIONS. All trench work, excavation and backfilling required in making a connection shall be performed in accordance with the provisions of the *Uniform Plumbing Code* and the provisions of Chapter 135 of this Code of Ordinances.

96.05 CONNECTION REQUIREMENTS. The installation of the building sewer and its connection to the public sewer shall conform to the requirements of the *Uniform Plumbing Code*, the laws of the State and other applicable rules and regulations of the City.

96.06 SEWER TAP. Connection of the building sewer into the public sewer shall be made at the “Y” branch, if such branch is available at a suitable location. If no properly located “Y” branch is available, a saddle “Y” shall be installed at the location specified by the Superintendent. The public sewer shall be tapped with a tapping machine and a saddle appropriate to the type of public sewer shall be glued or attached with a gasket and stainless steel clamps to the sewer. At no time shall a building sewer be constructed so as to enter a manhole unless special written permission is received from the Superintendent and in accordance with the Superintendent’s direction if such connection is approved.

96.07 INSPECTION REQUIRED. No building sewer shall be covered, concealed or put into use until it has been tested, inspected and accepted as prescribed in the *Uniform Plumbing Code*.

96.08 PROPERTY OWNER’S RESPONSIBILITY. All costs and expenses incident to the installation, connection and maintenance of the building sewer shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

96.09 ABATEMENT OF VIOLATIONS. Building sewers, whether located upon the private property of any owner or in the public right-of-way, which are constructed or maintained in violation of any of the requirements of this chapter shall be deemed a nuisance and the same shall be abated by the City in the manner provided for the abatement of nuisances.

(Code of Iowa, Sec. 364.12[3])

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.

CITY OF MISSOURI VALLEY, IOWA

Sherman Struble, Mayor Pro-Tem

ATTEST:

Jodie Flaherty, City Clerk

I certify that the foregoing was published as Ordinance #545 on the 30th day of January, 2019.

Jodie Flaherty, City Clerk

1st reading: 1-22-2019

2nd reading: Waived

3rd reading: Waived

Published Summary: 1-30-2019

ORDINANCE #546

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF MISSOURI VALLEY, IOWA, BY AMENDING PROVISIONS PERTAINING TO ALCOHOLIC BEVERAGE CONTROL

Be It Enacted by the City Council of the City of Missouri Valley, Iowa:

SECTION 1. SECTION MODIFIED. Section 45.01 of the Code of Ordinances of the City of Missouri Valley, Iowa, is repealed and the following adopted in lieu thereof:

45.01 PERSONS UNDER LEGAL AGE. As used in this section, “legal age” means 21 years of age or more.

1. Social Host. A person who is the owner or lessee of, or who otherwise has control over, property that is not a licensed premises shall not knowingly permit any person, knowing or having reasonable cause to believe the person to be under the age of eighteen, to consume or possess on such property any alcoholic beverage. The provisions

of this subsection shall not apply to a landlord or manager of the property or to a person under legal age who consumes or possesses any alcoholic beverage in connection with a religious observance, ceremony, or rite.

(Code of Iowa, Sec. 123.47)

2. Purchase, Consume, or Possess. A person or persons under legal age shall not purchase or attempt to purchase, consume, or individually or jointly have alcoholic beverages in their possession or control; except in the case of any alcoholic beverage given or dispensed to a person under legal age within a private home and with the knowledge, presence and consent of the parent or guardian, for beverage or medicinal purposes or as administered to the person by either a physician or dentist for medicinal purposes and except to the extent that a person under legal age may handle alcoholic beverages during the regular course of the person's employment by a liquor control licensee, or wine or beer permittee under State laws.

(Code of Iowa, Sec. 123.47[3])

3. Misrepresentation of Age. A person under legal age shall not misrepresent the person's age for the purpose of purchasing or attempting to purchase any alcoholic beverage from any liquor control licensee or wine or beer permittee.

(Code of Iowa, Sec. 123.49[3])

SECTION 2. SUBSECTIONS MODIFIED. Subsections 1, 3, 4 and 5 of Section 120.05 of the Code of Ordinances of the City of Missouri Valley, Iowa, are repealed and the following adopted in lieu thereof:

1. Sell, dispense, or give to any intoxicated person, or one simulating intoxication, any alcoholic beverage.

(Code of Iowa, Sec. 123.49[1])

3. Sell alcoholic beverages to any person on credit, except with a bona fide credit card. This provision does not apply to sales by a club to its members, to sales by a hotel or motel to bona fide registered guests or to retail sales by the managing entity of a convention center, civic center, or events center.

(Code of Iowa, Sec. 123.49[2c])

4. Employ a person under 18 years of age in the sale or serving of alcoholic beverages for consumption on the premises where sold.

(Code of Iowa, Sec. 123.49[2f])

5. In the case of a retail wine or beer permittee, knowingly allow the mixing or adding of alcohol or any alcoholic beverage to wine, beer, or any other beverage in or about the permittee's place of business.

(Code of Iowa, Sec. 123.49[2i])

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 Council on the 22nd day of January, 2019, and approved this 22nd day of January, 2019.

Sherman Struble, Mayor Pro-Tem

ATTEST:

Jodie Flaherty, City Clerk

I certify that the foregoing was published as Ordinance #546 on the 30th day of January, 2019.

Jodie Flaherty, City Clerk

1st reading: 1-22-2019
2nd reading: Waived
3rd reading: Waived
Published: 1-30-2019

ORDINANCE #547

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

Be It Enacted by the City Council of the City of Missouri Valley, Iowa:

SECTION 1. NEW SUBSECTION. The Code of Ordinances of the City of Missouri Valley, Iowa, is amended by adding a new subsection to Section 62.01 which is hereby adopted to read as follows:

159. Section 321.449B –Texting or using a mobile telephone while operating a commercial motor vehicle.

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 Council on the 22nd day of January, 2019, and approved this 22nd day of January, 2019.

Sherman Struble, Mayor Pro-Tem

ATTEST:

Jodie Flaherty, City Clerk

I certify that the foregoing was published as Ordinance #547 on the 30th day of January, 2019.

Jodie Flaherty, City Clerk

1st reading: 1-22-2019
2nd reading: Waived
3rd reading: Waived
Published: 1-30-2019

ORDINANCE #548

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF MISSOURI VALLEY, IOWA, BY AMENDING PROVISIONS PERTAINING TO CIGARETTE AND TOBACCO PERMITS

Be It Enacted by the City Council of the City of Missouri Valley, Iowa:

SECTION 1. SECTION MODIFIED. Section 121.05 of the Code of Ordinances of the City of Missouri Valley, Iowa, is repealed and the following adopted in lieu thereof:

121.05 ISSUANCE AND EXPIRATION. Upon proper application and payment of the required fee, a permit shall be issued. Each permit issued shall describe clearly the place of business for which it is issued and shall be nonassignable. All permits expire on June 30 of each year. The Clerk shall submit a duplicate of any application for a permit to the Alcoholic Beverages Division of the Department of Commerce within 30 days of issuance of a permit.

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 Council on the 22nd day of January, 2019, and approved this 22nd day of January, 2019.

Sherman Struble, Mayor Pro-Tem

ATTEST:

Jodie Flaherty, City Clerk

I certify that the foregoing was published as Ordinance #548 on the 30th day of January, 2019.

Jodie Flaherty, City Clerk

1st reading: 1-22-2019
2nd reading: Waived
3rd reading: Waived
Published: 1-30-2019