

CITY COUNCIL MEETING  
RAND CENTER  
APRIL 4, 2017  
6:00 P.M.

Mayor Pro Tem presided over the meeting and called it to order at 6:00 p.m. with the following Council members present: Johnson, Thompson, Gunderson and Struble. Mayor Sargent and Council member Tiffey were absent. Also present were City Clerk/Administrator Miller, Park Director Olinger and visitors: Leonard Ratliff, Jesusa Christians, Bruce Kocher.

The Pledge of Allegiance was recited.

Moved by Council member Johnson to approve the Agenda for April 4, 2017, seconded by Council member Thompson. Motion carried on a 4-0 vote.

Moved by Council member Gunderson to approve the Consent Agenda, with the addition of the claim from Ace Sign Displays, seconded by Council member Johnson. Motion carried on a 4-0 vote.

Library Director Kocher gave an update on events going on at the Library in March and April.

Moved by Council member Johnson to approve the 2<sup>nd</sup> reading of Ordinance #526, “An Ordinance Vacating The Twenty Foot (20’) Wide Alley Running North-South In Block Seventy (70), From Fourth Street To The Northerly Boundary Of Lot Fifteen, TLCO 4<sup>th</sup> Addition To Missouri Valley, Harrison County, Iowa And Transferring Ownership Thereof To The Adjacent Property Owners”, seconded by Council member Gunderson. Motion carried on a 4-0 vote.

Moved by Council member Thompson to approve the lease for a pocket park at 417 E Erie, seconded by Council member Johnson. Motion carried on a 4-0 vote. Lease effective date will be April 15<sup>th</sup>.

Moved by Council member Johnson to approve Resolution 17-10, “Moratorium On Burn Ban – Spring 2017”, seconded by Council member Thompson. Motion carried on a 4-0 vote.

Council member Gunderson presented information on putting flag poles along Erie Street in front of the business. City Clerk/Administrator Miller explained a sponsorship program that Mondamin uses in partnership with the school, and Park Director Olinger presented a proposal for flags to be attached to the street light poles. Following discussion, moved by Council member Johnson to pursue the option of attaching flags to the light poles, seconded by Council member Thompson. Motion carried on a 4-0 vote.

Item #12 on disposing of excess property was tabled for additional information.

Council member Thompson explained the derelict building grant program and asked if Council would be interested in pursuing ownership of a building on Erie and apply for this grant to deconstruct it. Council was in agreement for Council member Thompson and Struble to talk to the property owner.

City Clerk/Administrator informed Council the Park Board had invited them to join the Board at the site of the proposed dog park on Thursday at 6:30 p.m. to meet with the newspaper for an article on the dog park.

Moved to adjourn by Council member Thompson, seconded by Council member Johnson. Motion carried on a 4-0 vote. Meeting adjourned at 6:47 p.m.

Clint Sargent, Mayor

Attest:  
Rita Miller, City Clerk/Administrator

### **ORDINANCE #526**

#### **AN ORDINANCE VACATING THE TWENTY FOOT (20') WIDE ALLEY RUNNING NORTH-SOUTH IN BLOCK SEVENTY (70), FROM FOURTH STREET SOUTH TO THE NORTHERLY BOUNDARY OF LOT FIFTEEN, TLCO 4<sup>TH</sup> ADDITION TO MISSOURI VALLEY, HARRISON COUNTY, IOWA AND TRANSFERRING OWNERSHIP THEREOF TO THE ADJACENT PROPERTY OWNERS**

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

SECTION 1. The purpose of this Ordinance is to vacate the 20' alley running north-south through Block Seventy from the south line of Fourth Street to the northerly boundary of Lot 15, Town Lot Company 4<sup>th</sup> Addition to Missouri Valley, Harrison County, Iowa; thereby relieving the City of the responsibility of its maintenance and supervision, and to have this vacation act as deed to the owners of said following lots: One through Twelve and Eighteen through Twenty-Six.

SECTION 2. **FACTS FOUND.** The City Council of Missouri Valley, Iowa makes the following findings:

- A. The described alley was platted but never established or used, and is not now needed for the use of the public.
- B. Notice of the intended vacation, including the date on which the Council will first consider the vacating Ordinance, has been published at least once, not less than four nor more than twenty days, prior to the date set for the public hearing.

SECTION 3. The vacation herein contemplated is under the provisions of Section 354 of the Code of Iowa 2017, as amended.

SECTION 4. **VACATION.** The north-south alley bisecting Block 70, from south line of Fourth Street to the northerly boundary of Lot 15, Town Lot Company 4<sup>th</sup> Addition to the Town of Missouri Valley, Harrison County, Iowa is hereby declared vacated.

SECTION 5. TITLE TO ADJOINING OWNERS. The title to said vacated alley is hereby conveyed to the adjoining owners: Brian McGrath; Darrel and Daryl Cates; Rene Meneses; Virginia Austin; Norman and Charlotte Burns; Cyria West; Ione Mason; Christopher and Tiffany Gilpin; Dennis Collier; Nicholas Bertelson; Brandy and Nicholas Zortman; LaVonne Morrison; Richard and Connie Shaeffer; Robert Church; Joel Acosta; Garrett and Angela Sazama; Zachary Hember; Wayne and Rita Miller.

SECTION 6. RECORDATION. The City Clerk of Missouri Valley, Iowa is hereby directed to record this vacation ordinance which will be the equivalent to a deed of conveyance to the proprietors of the adjoining land.

SECTION 7. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 8. 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 9. WHEN EFFECTIVE. This ordinance shall be in effect after its final passage, approval and publication as provided by law.

Final passage by the Council at its regular meeting and approved this      day      of  
, 2017.

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Clint Sargent, Mayor

ATTEST:

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Rita M. Miller  
City Clerk/Administrator

#### CLERK'S CERTIFICATE

I, Rita M. Miller, the duly appointed and acting City Clerk of the City of Missouri Valley, Iowa having been sworn, on oath do certify that the above and foregoing Ordinance #      was duly passed by the City Council of Missouri Valley, Iowa on      the      day of      , 2017; and that the signatures above are those of the Mayor and the City Clerk respectively.

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Rita M. Miller  
City Clerk/Administrator

1<sup>st</sup> reading: 3-21-2017  
2<sup>nd</sup> reading: 4-04-2017

**RESOLUTION 17-10**

**MORATORIUM ON BURN BAN – SPRING 2017**

Be It Resolved by the City Council of the City of Missouri Valley:

The City has issued a moratorium on the open burning ban (Section 105.05 of Missouri Valley City Code) to allow for the burning of landscape waste during designated times. These dates and times are:

**April 28, 29, 30, May 5, 6, 7, 12, 13, 14, 19, 20, 21, 26, 27, 28**

Between the hours of 10:00 a.m. and 5:00 p.m. on Friday, Saturday, Sunday

“Landscape Waste”, per Section 105.02(5) of the Missouri Valley City Code, is defined as any vegetable or plant waste except garbage. The term includes trees, tree trimmings, branches, stumps, brush, weeds, leaves, grass, shrubbery and yard trimmings.

Anyone violating the provisions of this Section shall be subject to penalties as outlined in Resolution 11-08.

Passed and Approved this 4th day of April, 2017.

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Clint Sargent, Mayor

ATTEST:

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Rita M. Miller  
City Clerk/Administrator