

**CITY COUNCIL MEETING  
RAND CENTER  
May 1, 2018  
6:00 P.M.**

Mayor Kelly presided over the meeting and called it to order at 6:00 P.M. with the following Council members present: Gunderson, Pfouts, Struble, Stueve, and Tiffey. Also present were: Paul Messerschmidt, Melba Struble, Tom Jarosz, Jim Olmsted, Leonard Ratliff, Troy Cooper, and Tracy Stueve.

The Pledge of Allegiance was recited.

Kelly asked Council for any comments or additions-Gunderson, Stueve, and Pfouts requested and will be 13a, 13b, and 13c.

Motion by Struble, seconded by Stueve to approve the agenda for the May 1, 2018 meeting. Motion carried on a 5-0 vote.

Motion by Struble, seconded by Tiffey to approve the following items on the consent agenda: a) April 17, 2018 minutes and April 24, 2018 Special minutes b) claims list c) Street, Park, and Fire Department reports d) liquor license for Mighty-Mo Rodeo. Motion carried on a 5-0 vote.

Bruce Kocher gave the Library Report. He spoke to the Council about the process of disposing of old books and the requirements for purchasing new books.

Paul Messerschmidt spoke to the Council about the Fire Department Code of Ethics and the investigation that the City held.

Tracy Stueve inquired about the nuisance process and property clean up. Mayor Kelly asked her to come into City Hall and fill out a formal complaint. The Clerk's office is updating forms to include call back numbers so the complainants can be given updates.

Jim Olmsted gave an update on the 5<sup>th</sup> Street Paving Project. All of the utility work is done and the concrete has been removed. Paving should start next week. An estimate was given for the 4<sup>th</sup> Street and Michigan water main break. The cost is approximately \$45,000 to \$55,000 and that does not include the undermine repairs on Michigan. Work is still being done on the first cell at the Water Treatment plant. The media should be completely removed by the end of the week and then the nozzles will be tested.

Discussion was held on the water and sewer hookup fees. Gunderson spoke with Jim Olmstead and had his questions clarified regarding the fees.

Motion by Struble, seconded by Stueve to adopt Ordinance # 536 Amending 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 Residential, Commercial, Industrial and Institutional Property Development Desiring To Connect To The City's Public Water System. Motion carried on a 5-0 vote.

Motion by Struble, seconded by Tiffey to adopt Ordinance # 537 Amending Portions of Section 90.06 Of The Code Of Ordinances Of The City Of Missouri Valley, Iowa To Include Provisions For Water Hookup

(Tap) Fees Due For All New Residential, Commercial, Industrial and Institutional Property Development Desiring To Connect To The City's Public Water System. Motion carried on a 5-0 vote.

Motion by Struble, seconded by Stueve to adopt Ordinance # 538 Amending 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 Residential, Commercial, Industrial and Institutional Property Development Desiring To Connect To The City's Public Sewer System. Motion carried on a 5-0 vote.

Motion By Struble, seconded by Tiffey to adopt Ordinance # 539 Amending Portions of Section 96.02 Of The Code Of Ordinances Of The City Of Missouri Valley, Iowa To Include Provisions For Sewer Hookup (Tap) Fees Due For All New Residential, Commercial, Industrial and Institutional Property Development Desiring To Connect To The City's Public Sewer System. Motion carried on a 5-0 vote.

Gunderson stated that he and Struble attended the HCDC Annual Meeting and the City was recognized for their commitment to economic development and growth within Harrison County. Gunderson would also like a fireman to walk areas before any special burns are granted.

Stueve will speak to the City Clerk regarding her issue and may have it on the next agenda.

Pfouts addressed the Council about a complaint she received about a sewer line breaking and raw sewage in the basement of the apartment building. She does not believe the owner has cleaned it up properly and the building is not to code. The owner is applying for a grant and if awarded, was granted a tax abatement from the City. Pfouts thinks the City should withdrawal their support for the grant and abatement.

Flaherty stated that she emailed Council a training opportunity by the League that will be held in Harrison County. She is also working on the budget amendment.

Kelly reminded Council that Union Pacific will be at the May 15, 2018 Council meeting. He was approached about the dirt at 2213 Hwy 30. A contractor would be interested in the dirt in exchange for grading and leveling the property. Kelly will notify the Council if they come to an agreement.

Motion by Struble, seconded by Stueve to adjourn at 6:53 p.m. Motion carried on a 5-0 vote.

Shawn Kelly, Mayor

Attest:

Jodie Flaherty, City Clerk

## ORDINANCE #536

**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 RESIDENTIAL, COMMERCIAL, INDUSTRIAL AND INSTITUTIONAL PROPERTY DEVELOPMENT DESIRING TO 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 WATER CAPITAL FACILITY CHARGES.** 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. 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 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.

**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 MAY, 2018.

CITY OF MISSOURI VALLEY, IOWA

\_\_\_\_\_  
Shawn Kelly, Mayor

ATTEST:

\_\_\_\_\_  
Jodie Flaherty, City Clerk

I certify that the foregoing was published as Ordinance #536 on the 9th day of May, 2018.

\_\_\_\_\_  
Jodie Flaherty, City Clerk

1<sup>st</sup> reading: 4-03-2018  
2<sup>nd</sup> reading: 4-17-2018  
3<sup>rd</sup> reading: 5-01-2018  
Published: 5-09-2018

## ORDINANCE #537

**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 HOOKUP (TAP) FEES DUE FOR ALL NEW RESIDENTIAL, COMMERCIAL, INDUSTRIAL AND INSTITUTIONAL PROPERTY DEVELOPMENT DESIRING TO 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 WATER HOOKUP (TAP) FEES.** All new residential, commercial, industrial and institutional development 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 or facility needing water service for the first time, or 2) a land improvement or facility whose water use will result in a change from its present water demand.

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
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.

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.

**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.

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CITY OF MISSOURI VALLEY, IOWA

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Shawn Kelly, Mayor

ATTEST:

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Jodie Flaherty, City Clerk

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1<sup>st</sup> reading: 4-03-2018  
2<sup>nd</sup> reading: 4-17-2018  
3<sup>rd</sup> reading: 5-01-2018  
Published: 5-09-2018

### **ORDINANCE #538**

**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 RESIDENTIAL, COMMERCIAL, INDUSTRIAL AND INSTITUTIONAL PROPERTY DEVELOPMENT DESIRING TO 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 SEWER CAPITAL FACILITY CHARGES.** 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.

**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 May, 2018.

CITY OF MISSOURI VALLEY, IOWA

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Shawn Kelly, Mayor

ATTEST:

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Jodie Flaherty, City Clerk

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**96.02 SEWER HOOKUP (TAP) FEES.** All new residential, commercial, industrial and institutional development shall pay 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.

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.

**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.

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CITY OF MISSOURI VALLEY, IOWA

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Shawn Kelly, Mayor

ATTEST:

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Jodie Flaherty, City Clerk

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