

CITY COUNCIL MEETING
RAND CENTER
JUNE 20, 2017
6:00 P.M.

Mayor Pro Tem Struble called the Public Hearing on the proposed rezoning of the east 75' of Lot 1, and all of Lots 2 & 3, Blk 26, Blair's Addition to order at 6:00 p.m. and asked for comments. A petition had been presented to the Council in opposition to the proposed re-zoning. Several residents expressed concerns about having a commercial business in their neighborhood, and increase in traffic. Mr. & Mrs. Anderson stated they did not want their property zoned as commercial and stated their concerns about tax increase and property devaluation. Other residents spoke in favor of a new business in town, the increase in tax revenue for the City. Following the opportunity for comment, Mayor Pro Tem closed the hearing at 6:39 p.m..

Mayor Pro Tem opened the council meeting at 6:40 p.m. with the following Council members present: Thompson, Johnson, Gunderson, Struble, Tiffey. Also present were CC/A Miller and visitors: Sally Salter, Thomas J. Salter, Richard Kube, Terri Kube, Judy Medina, Brad Westercamp, Donna Richie, Scott Bade, Jaime Bade, Minnie Fisher, Leona Joy, Regina Cunard, Ada Isom, Janet Anderson, Dale Anderson, Roy Reicks, Carolyn Reicks, Terry Conant, Dean Williams, Brenda Williams, Connie Johnson, Annette Deakins, Noah Bertelson, Michael Brown, Brian Lazio, Walter Mason, Tom Jarosz, Leonard Ratliff, Bob Riesland, Jim Olmsted.

The Pledge of Allegiance was recited.

Moved by Council member Thompson to approve the amended agenda, seconded by Council member Tiffey. Motion carried on a 5-0 vote.

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

Library Director Kocher addressed the council about the repairs/replacement needed for one of the a/c compressors. He presented a bid for the work and he asked to use contingency funds. Following discussion, he will pursue obtaining other bids. Moved by Council member Thompson to allow the use of the contingency funds toward the new compressor, seconded by Council member Tiffey. Motion carried on a 5-0 vote.

Council considered the ordinance to re-zone E 75' of Lot 1, Lots 2 & 3, Blk 26 from RD60 to BGC. Council member Thompson stated the re-zone had been recommended by Planning & Zoning, the property is on a highway and it's good for the community to bring in a new business. Moved by Council member Thompson to approve the 1st reading of Ordinance #527, "An Ordinance Amending The Zoning Ordinances Of The City Of Missouri Valley, Iowa, By Amending The Zoning Map, To Change The Zoning Designation Of Real Property Legally Described As The East 75' Of Lot 1; And All Of Lots 2 and 3, Block 26, Blair's Addition To The City Of Missouri Valley, Iowa, From A Zoning Designation Of RD60 To A Designation Of BGC", seconded by Council member Gunderson. Roll Call.

AYES: Thompson, Johnson, Gunderson, Struble, Tiffey
NAYS: None. Motion carried.

Jim Olmsted gave an update on the alley between 8th/9th Street. Due to the deterioration of the concrete portion, overlay was not possible and it would need to be removed and replaced at an estimated cost of \$22,000 - \$25,000. This would be approximately 230' x 10' x 6" thick. If the street department could do the project it would be approximately \$12,000 - \$13,000 for the concrete. Moved by Council member Johnson to consider funding in the FY19 budget, seconded by Council member Thompson. Motion carried on a 5-0 vote.

Jim Olmsted presented information on the 5th Street reconstruction project. This would be a 4 block replacement of pavement and water main, with some sewer repair possible. The projected cost would be \$987,276, including a 20% contingency. He proposed the public hearing and bid opening for July 18, with completion on June or July, 2018. Moved by Council member Johnson to authorize the Notice To Bid, public hearing, and proceed with bonding procedures, seconded by Council member Thompson. Motion carried on a 5-0 vote.

Moved by Council member Thompson to accept the low bid of D/C Electric for the electrical work on the LED Welcome Sign, seconded by Council member Tiffey. Motion carried on a 5-0 vote.

Following discussion, moved by Council member Gunderson to approve the 28E Agreement with Harrison Co Humane Society and work out the other concerns with them, seconded by Council member Tiffey. Motion carried on a 5-0 vote.

Council reviewed the draft of the fireworks ordinance. Moved by Council member Thompson to add language requiring fireworks cannot be shot off closer than 15' from a structure, seconded by Council member Tiffey. Motion carried on a 5-0 vote.

Moved by Council member Thompson that fireworks can only be sold on property zoned BGH, seconded by Council member Johnson. Motion carried on a 5-0 vote.

Moved by Council member Gunderson to approve the 1st reading of Ordinance #528, "An Ordinance Amending The Code Of Ordinances Of The City Of Missouri Valley, Iowa, By Amending Section 41.12 Entitled "Fireworks", seconded by Council member Thompson. Motion carried on a 5-0 vote.

Moved by Council member Tiffey to purchase the Elgin sweeper using existing fund balance, seconded by Council member Johnson. Motion carried on a 5-0 vote.

Moved by Council member Johnson to approve Resolution 17-16, "Resolution Setting Wages Of City Employees For Fiscal Year 2018", seconded by Council member Tiffey. Motion carried on a 5-0 vote.

Moved by Council member Johnson to authorize a letter of support for the Lewis & Clark bike trail, seconded by Council member Thompson. Motion carried on a 5-0 vote.

Moved by Council member Johnson to acknowledge the amendment to the Fire Department Handbook, seconded by Council member Tiffey. Motion carried on a 5-0 vote.

Council member Gunderson reported: Senator Jonie Ernst will be in town on July 25th; trash around the recycle bins; action from the DOT/Hwy 30 Coalition meeting in Coralville; Small City workshop in Anita.

Moved by Council member Johnson to approve Resolution 17-17, ‘A Resolution Approving The Transfer Of Funds From The Emergency Fund To The General Fund’, seconded by Council member Gunderson. Motion carried on a 5-0 vote.

CC/A Miller reported she had spoken with American National Bank about the parking concerns brought up at the previous meeting and they are working to resolve it.

Moved to adjourn by Council member Struble, seconded by Council member Thompson. Motion carried on a 5-0 vote. Meeting adjourned at 7:42 p.m.

Sherman Struble, Mayor Pro Tem

ATTEST:
Rita Miller, City Clerk/Administrator

ORDINANCE #527

AN ORDINANCE AMENDING THE ZONING ORDINANCES OF THE CITY OF MISSOURI VALLEY, IOWA, BY AMENDING THE ZONING MAP, TO CHANGE THE ZONING DESIGNATION OF REAL PROPERTY LEGALLY DESCRIBED AS THE EAST 75’ OF LOT 1; AND ALL OF LOTS 2 AND 3, BLOCK 26, BLAIR’S ADDITION TO THE CITY OF MISSOURI VALLEY, IOWA, FROM A ZONING DESIGNATION OF RD60 TO A DESIGNATION OF BGC.

SECTION 1: SUBSECTION MODIFIED. Pursuant to Article IV, Section 4.3, the Official Zoning Map is modified to change the zoning designation of real property commonly referenced as 125 N. 1st Street; 121 N. 1st Street; 119 N. 1st Street; 117 N. 1st Street; 113 N 1st Street; and 111 N. 1st Street and legally described as the East 75’ of Lot 1; and all of Lots 2 and 3, Block 26, Blair’s Addition to the City of Missouri Valley, Iowa from a zoning designation of RD60 to a zoning designation of BGC.

SECTION 2: REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3: SEVERABILITY: 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 the ____ day of _____, 2017, and approved this ____ day of _____, 2017.

Clint Sargent, Mayor

ATTEST:

Rita Miller, City Clerk

I certify the foregoing was published as Ordinance No. ____ on the ____ day of _____, 2017.

Rita Miller, City Clerk

1st reading: 6-20-2017

ORDINANCE #528

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF MISSOURI VALLEY, IOWA, BY AMENDING SECTION 41.12 ENTITLED "FIREWORKS."

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

SECTION 1. AMENDED SECTION. Section 41.12 entitled "Fireworks" of the Code of Ordinances of the City of Missouri Valley, Iowa, is hereby adopted to read as amended:

41.12. FIREWORKS REGULATIONS. The sale and use of fireworks are regulated as follows:

1. Prior to any person engaging in fireworks sales, the following shall be provided to the fire chief:

A. Proof of valid permit issued from the state fire marshal.

B. Proof of liability insurance separate from the building property insurance specifically showing coverage of fireworks sales for an aggregate amount of \$2,000,000.

2. Any property, building, or premise whether it be permanent or temporary, intended for fireworks sales shall have an initial fire inspection completed by the fire chief prior to engaging in fireworks sales. The fire chief or their designee shall cause an annual inspection to occur meeting the requirements of the National Fire Protection Association standard 1124 (2017 edition) and the current fire code adopted by the City of Missouri Valley. An annual inspection fee of \$200 shall be charged for any temporary or permanent building used to sell fireworks.

3. Fireworks sales shall only be conducted in accordance with dates and times designated by Iowa Code.

A. Approved fireworks sales meeting the requirements of this chapter shall be allowed from an approved permanent structure or building between June 1 and July 8 and from December 10 until January 3.

B. Approved fireworks sales meeting the requirements of this chapter shall be allowed from an approved temporary structure between June 13 and July 8.

C. It shall be unlawful to sell fireworks without meeting the requirements specified in this ordinance, or to sell fireworks outside of the dates specified.

D. Fireworks shall not be sold from a motor vehicle or trailer required to be licensed for travel on a public roadway.

4. The City may, upon application in writing, grant a permit for the display of fireworks on public property by a City agency, fair associations, amusement parks and other organizations or groups of individuals approved by City authorities when such fireworks display will be handled by a competent operator. No permit shall be granted hereunder unless the operator or sponsoring organization has filed with the City evidence of insurance in the following amounts:

A. Personal Injury: \$250,000 per person

B. Property Damage: \$50,000

C. Total Exposure: \$1,000,000

(Code of Iowa, Sec. 727.2)

5. Exceptions. This section does not prohibit the sale by a resident, dealer, manufacturer or jobber of such fireworks as are not prohibited; or the sale of any kind of fireworks if they are to be shipped out of State; or the sale or use of blank cartridges for a show or theatre, or for signal purposes in athletic sports or by railroads or trucks for signal purposes, or by a recognized military organization. This section does not apply to any substance or composition prepared and sold for medicinal or fumigation purposes. (Code of Iowa, Sec. 727.2)

6. Fireworks Sales and Safety Requirements. The following safety requirements shall be adopted for all locations where fireworks are sold:

- A. Not more than 100 pounds of total aggregate weight of DOT 1.4 class fireworks shall be located inside a commercial business with other mercantile products for sale. Sparkers, snakes, snaps, cap gun caps, or smoke bombs shall not be considered when figuring weight.
- B. Not more than 500 pounds of total aggregate weight of DOT 1.4 class fireworks shall be located inside a building where fireworks are the primary business. Sparkers, snakes, snaps, cap gun caps, or smoke bombs shall not be considered when figuring weight.
- C. Not more than 1000 pounds of total aggregate weight of DOT 1.4 class fireworks shall be located in a temporary structure used primarily for fireworks sales. Sparkers, snakes, snaps, cap gun caps, or smoke bombs shall not be considered when figuring weight.
- D. Any permanent structure used primarily for the purpose of fireworks sales shall be located 35 feet from a property line, public roadway, alley, or highway; and 70 feet from an inhabited building. However, where a person owns the adjacent property or written permission is granted, the property line distance requirement can be reduced to 15 feet.
- E. Any temporary structure having between 500 and 1000 pounds of total aggregate weight of DOT 1.4 class fireworks shall be located 55 feet from a property line, public roadway, alley, or highway; and 110 feet from an inhabited building.
- F. NO SMOKING signs shall be posted in conspicuous locations throughout the sales area. Smoking, open flame source, or matches shall not be located within 50 feet where fireworks are sold, with the following exceptions:
 - 1) Lighters and matches may be sold as part of a retail business in commercial structures who engage in other merchandise sales where fireworks are not the primary business.

2) Locations who engage in fireworks sales as a primary source of revenue may sell extended lighters so long as lighters are located in a sealed package and not opened within the store premises.

- G. All electrical wiring shall meet NFPA 70 National Electrical Code. Permanent structures or buildings used primarily for fireworks sales shall meet wiring requirements for a hazardous location, including covered light fixtures to avoid sparks upon failure or damage to lights.
- H. All fireworks sales locations shall maintain 48 inch clear aisles between fireworks display shelves.
- I. Any location where fireworks are sold shall maintain two approved exits for egress during an emergency. All approved exits shall be clearly marked with signage; except that, exit signs shall be illuminated in permanent structures.
- J. Fireworks sales shall only be permitted in a single story at grade building or structure to facilitate easy exiting during an emergency.
- K. All locations shall have a minimum of two 10 pound ABC rated fire extinguishers mounted in accordance with NFPA 10. Additional fire extinguishers shall be placed in locations to prevent travel distance exceeding 75 feet in order to reach a fire extinguisher. Nothing in this ordinance prevents a temporary sales location from having emergency water barrels positioned in the sales area for use during a small fire; except that fire extinguishers are still required.
- L. All doors used as service doors outside the view of a clerk shall be locked to prevent unauthorized persons from entering the building unnoticed. If doors are required as part of the two approved exits needed, they shall be operable without special tools, keys, or knowledge. Delayed or alarmed egress doors are permitted so long as release is activated within 8 seconds and the delay device is not affixed to the primary egress door.
- M. No persons under the influence of alcohol, drugs, or narcotics, shall be allowed to remain in the business where fireworks are sold as a primary business.
- N. No more than one convex container or approved explosive magazine shall be located on site for short term storage of extra product. All containers shall be properly placarded and equipped with tamper proof locking devices. It is permitted to place containers in a security fenced area.
- O. Individual fireworks devices or opened fireworks packages shall not be permitted to be displayed. No open fuses shall be exposed during storage inside a sales location.

- P. Leftover fireworks shall be removed from sales locations by July 9 following the June/July sales period and January 4 following the December/January sales period.
- Q. The Fire Chief or designated inspector shall have the authority to reduce or eliminate requirements under Section 6 of this Ordinance for permanent structures, when, in his or her opinion, safety of the structure and general public will not be compromised, in order to ensure property owners a reasonable right to pursue firework sales.
- R. The vendor's license issued from State Fire Marshall authorizing sales of fireworks shall be clearly and prominently displayed at all times.
- S. All weeds and combustible materials shall be cleared from the location of any structure, including a distance of at least twenty feet surrounding any structure dispensing fireworks.
- T. All temporary structures shall be removed from the temporary location by 12:00 p.m. on the seventh day after the end of sales of fireworks and all accompanying litter shall be cleared from said location by the said time and date.
- U. A retailer or community group selling or offering for sale consumer fireworks shall not knowingly have a person less than 18 years of age, whether the person is paid or unpaid, involved in the sale, handling or transport of consumer fireworks.

7. Sales allowed, location: Fireworks sales shall only be allowed in areas zoned BGH (Heavy General Business Zone).

- A. Any person engaged in sales in any zone other than those designated BGH (Heavy General Business Zone) shall not be approved for sales within the city limits.
- B. No person shall sell a DOT 1.4 class firework to a person under the age of 18.
- C. Fireworks shall not be sold to an intoxicated person or to any person whom a reasonable person would believe may be impaired by other substances.

8. Fireworks Sales penalties:

- A. A person or entity who violates the provision of this fireworks sales ordinance is guilty of a simple misdemeanor and punishable as scheduled by Iowa Code.

- B. In circumstances where a flagrant or intentional violation of these provisions occurs, a peace officer shall issue a misdemeanor charge with a scheduled fine in accordance with Iowa Code.
- C. Individuals, retailers, businesses, consumers, community groups violating the provisions of this chapter shall be reported to the state fire marshal to cause revocation of permit hearings to commence.

9. Fireworks use and discharge, general requirements:

- A. No person under the age of 18 shall discharge a DOT 1.4 class fireworks without adult supervision.
- B. A person shall only discharge a fireworks device on real property they own or on property where consent has been given except that snakes, sparklers, or caps can be discharged on a public place so long as all trash, wrappers, and wires are properly disposed of.
- C. Fireworks shall not be discharged by persons showing visible signs of, or determined to be, intoxicated or under the influence of a drug or narcotic.
- D. Any person discharging a fireworks device assumes all responsibility for its operation, flight, and the consequences thereof.
- E. No person shall discharge a fireworks device in a reckless manner or manner likely to cause death, injury, fire, or property damage.
- F. No person shall discharge a fireworks device outside the following dates and hours:
 - 1) July 1 through July 8 from 12:00 p.m. (noon) until 10:00 p.m., except for July 4 the hours shall be from 12:00 p.m. (noon) until 11:00 p.m.
 - 2) December 29 through January 1 from 12:00 p.m. (noon) until 10:00 p.m., except December 31 the hours shall be from 12:00 p.m. (noon) until January 1 at 12:30 a.m.

However, it shall be unlawful to display or discharge fireworks at any and all times the City's fire danger warning is categorized as "High" or "Extreme."

- G. It shall be unlawful to alter, remove, or discharge components of a fireworks device from its intended method of discharging.

- H. Sky lantern open flame devices are not permitted to be released within the city limits, except if tethered by a retrievable rope so long as the person discharging has control over the sky lantern.
- I. It shall be unlawful to discharge fireworks, firework devices or firework components within 200 feet of a licensed firework vendor's location.
- J. It shall be unlawful to discharge fireworks, firework devices or firework components within 15 feet of a structure.

10. Fireworks use and discharge, penalties:

- A. Any person who violates the provisions of the fireworks discharging ordinance or without reckless intent causes injury, property damage or a fire shall be guilty of a simple misdemeanor punishable as scheduled by Iowa Code.
- B. Persons who recklessly endanger the property or safety of another shall be guilty of a serious misdemeanor in violation of 712.5 State Code of Iowa.

SECTION 2. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

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 the ___ day of _____, 2017, and approved this ___ day of _____, 2017.

Clint Sargent, Mayor

Attest:

Rita Miller, City Clerk

I certify that the foregoing was published as Ordinance No. _____ on the ___ day of _____, 2017.

Rita Miller, City Clerk

1st reading: 6-20-2017

RESOLUTION 17-16

**RESOLUTION SETTING WAGES OF CITY EMPLOYEES
FOR FISCAL YEAR 2018**

WHEREAS, the City Council has approved the following pay schedule for employees for Fiscal Year 2017/2018 as follows:

Derek Aistrope	\$20.20/hr
Jordon DeZeeuw	\$20.20/hr
Vonda Ford	\$18.25/hr
Christopher Haken	\$20.20/hr
Kela Hytrek	\$ 7.75/hr
Tom Jarosz	\$18.23/hr
Bruce Kocher	\$34,479 Salary
DeAnn Kruempel	\$32,118 Salary
Lee Lange	\$23.83/hr
Randy McHugh	\$19.46/hr
Trever Melby	\$19.54/hr
Rita Miller	\$80,228 Salary
Robert Millin	\$20.20/hr
Keith Monroe	\$19.46/hr
Edward Murray	\$67,933 Salary
Jacob Musfeldt	\$20.20/hr
Zachary Olinger	\$20.73/hr
Brenda Osborn	\$19.84/hr
Robert Riesland	\$23.58/hr
Beverly Winans	\$18.25/hr

Pool Staff as Set

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MISSOURI VALLEY, IOWA:

That the employees shall be paid the wages as indicated above effective July 1, 2017.
Passed and approved this 20th day of June, 2017.

Sherman Struble, Mayor Pro Tem

ATTEST:

Rita Miller
City Clerk/Administrator

RESOLUTION 17-17

**A RESOLUTION APPROVING THE TRANSFER OF FUNDS
FROM THE EMERGENCY FUND TO THE GENERAL FUND**

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

That the City Clerk is hereby authorized to transfer \$23,262.15 from the
Emergency Fund to the General Fund.

Passed and approved this 20th day of June, 2017.

Sherman Struble, Mayor Pro Tem

ATTEST:

Rita M. Miller
City Clerk/Administrator