

CITY COUNCIL MEETING  
RAND CENTER  
SEPTEMBER 2, 2014  
6:15 P.M.

Mayor Sargent presided over the meeting and called it to order at 6:15 p.m. with the following Council members present: Struble, Ratliff, Dillinger, Isom. Council member Johnson arrived later. Also present were City Clerk/Administrator Miller and visitors: John Riley, Roger Gunderson and Marty Lager.

The Pledge of Allegiance was recited.

Moved by Council member Struble to approve the agenda with the deletion of #11, seconded by Council member Dillinger. Motion carried on a 4-0 vote.

Moved by Council member Struble to approve the consent agenda, seconded by Council member Dillinger. Motion carried on a 4-0 vote.

(Council member Johnson arrived.)

During citizen inquiries, a citizen congratulated the City on their part with the Harrison County Fair, and stated in regard to #9 any traffic control would be beneficial. Another citizen stated he thought the Council should investigate the cost of paving S 9<sup>th</sup> Street and budget for it over ten years; the chip seal should only be considered a temporary measure. He also suggested, in regard to #9, Council speak to residents at Culavin Heights to find out what their concerns are.

Mayor Sargent read Ordinance #502 "An Ordinance Amending Chapter 66 "Load And Weight Restrictions" To Include 10 Ton Weight Limit On S. 9<sup>th</sup> Street", by its' title. Moved by Council member Isom to approve the 1<sup>st</sup> reading of Ordinance #502, waive the 2<sup>nd</sup> & 3<sup>rd</sup> readings and pass the Ordinance, seconded by Council member Struble. Motion carried on a 4-1 vote with Council member Dillinger voting nay.

**ORDINANCE #502**

**AN ORDINANCE AMENDING CHAPTER 66 "LOAD AND WEIGHT RESTRICTIONS" TO INCLUDE 10 TON WEIGHT LIMIT ON S. 9<sup>TH</sup> STREET**

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

**SECTION 1. SECTION 66.03 'LOAD LIMITS UPON CERTAIN STREETS'** of the City Code of Missouri Valley, Iowa is hereby amended by adding a new Subsection 1 which is hereby adopted to read as follows:

1. S. 9<sup>th</sup> Street from Erie Street to Canal Street – 10 Ton

**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 REPEALER.** All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.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 City Council on the 2nd day of September, 2014 and approved this 2<sup>nd</sup> day September, 2014.

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Clint Sargent, Mayor

ATTEST:

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Rita M. Miller, City Clerk/Administrator

Mayor Sargent declared Ordinance #502 passed and adopted upon publication.

Traffic control at 5<sup>th</sup> & Huron Streets was discussed. Council member Dillinger stated he would like to see signage to alert people that there is a crosswalk like in other areas of town. It was noted the right-of-way on the north side of Huron Street in that block is almost entirely paved making it difficult to put a sign up. Consensus of Council was not in favor of a 4-way stop at the intersection. Following discussion, moved by Council member Dillinger to fully paint all four crosswalks and put up “pedestrian crossing” signs from east and west on Huron, seconded by Council member Johnson. Motion carried on a 5-0 vote.

Moved by Council member Struble to approve Resolution 14-27, “Resolution Approving Long Lines Metro Franchise Agreement”, seconded by Council member Dillinger. Motion carried on a 5-0 vote.

#### RESOLUTION 14-27

#### RESOLUTION APPROVING LONG LINES METRO FRANCHISE AGREEMENT

The Mayor and Council of the City of Missouri Valley, Iowa, (the “City”) adopt the following resolution:

WHEREAS, on December 4, 1979, the City of Missouri Valley, pursuant to Ordinance 226, created a non-exclusive franchise for a cable television system to operate within the City of Missouri Valley.

WHEREAS, Long Lines Metro, LLC, (“Long Lines”) currently owns and operates the cable television system (the “System”) operating in Missouri Valley, IA (“Grantor”) and is a duly authorized holder of the non-exclusive cable television franchise created by Ordinance 226 granted by Grantor (as amended to date, the “Franchise”); and

WHEREAS, due to incomplete or unavailable documentation, Long Lines seeks to confirm the expiration date of the current term of said Franchise. It is the understanding and intent of both parties that the Franchise was renewed in 2005 for an additional ten-year term, and the City hereby confirms that the current term is set to expire on January 15, 2015.

WHEREAS, Long Lines requests the extension of said Franchise for a term of ten (10) years, so that the Franchise shall expire on January 15, 2025; and

WHEREAS, following review and investigation, Grantor has concluded that Grantee meets the necessary criteria to operate the cable television system and has satisfied the criteria set forth in and/or under any applicable laws, rules and regulations.

NOW THEREFORE be it resolved by the Council of the City of Missouri Valley that, in consideration of the foregoing and the promises set forth herein, Grantor resolves as follows:

- 1) Grantor hereby confirms the existing term of the Franchise is set to expire on January 15, 2015.
- 2) Grantor hereby confirms the extension of said Franchise for a term of ten (10) years, beginning on January 15, 2015, so that the Franchise shall be in effect until January 15, 2025.
- 3) Grantor confirms that (a) the Franchise is a non-exclusive cable television franchise, (b) the Franchise was properly granted to or transferred to the Grantee, and (c) Grantee is materially in compliance with the provisions of the Franchise, and there are no material defaults under the Franchise or events which, with the giving of notice or passage of time or both, could constitute events of default thereunder.

ADOPTED AND APPROVED this 2nd day of September, 2014.

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Clint Sargent, Mayor

ATTEST:

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Rita M. Miller  
City Clerk/Administrator

Moved to adjourn by Council member Struble, seconded by Council member Ratliff.  
Motion carried on a 5-0 vote. Meeting adjourned at 6:35 p.m.

Clint Sargent, Mayor

Attest:  
Rita Miller  
City Clerk/Administrator