

**CITY OF MISSOURI VALLEY
CITY COUNCIL MEETING
MISSOURI VALLEY PUBLIC LIBRARY
TUESDAY, JANUARY 21, 2020
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: Dooley, Ford, Pfouts, Struble, and Stueve. Also present: Bob Erixon, Caleb Wohlers, Melba Struble, Chris Kraushaar, Kelsey Peterson, Connie McLaughlin, Tom Elmere, Jeannie Wortman, Milinda Coddington, Linda Coddington, Roger Gunderson, Dennis Collier, Adam Bellis, Kelly Sherer, Chris Jonson, Tracy Stueve, Tina Stueve, Minnie Fisher, Kathy Zaiser, Justin Miller, Tylor Wallis, Amy Ford, Clint Sargent, Curt Field, Steven Johnsen

The Pledge of Allegiance was recited.

There were no Council comments or additions.

Motion by Struble, seconded by Pfouts to approve the agenda for the January 21, 2020 meeting. Motion carried unanimously.

Motion by Pfouts, seconded by Struble to approve the following items on the consent agenda: a) Minutes from 01/07/2020 City Council Meeting b) Claims list c) Clerk's Financial Report d) Park Board and PeopleService Reports. Motion carried unanimously.

Kelsey Peterson with Schroer & Associates presented the audit. She went over the City's financial statement, balances, and their recommendations.

Motion by Pfouts, seconded by Stueve to Approve Task Order No. 1, Authorize Engineer to Design the Filter Media Replacement Project, Authorize the City to Advertise for Bids, and Authorize the Public Hearing and Bid Opening to be held on February 4, 2020. Motion carried unanimously.

Motion by Struble, seconded by Pfouts to Approve Task Order No. 2, Authorize Engineer to Design the 3rd Street Booster Station Rehab/Reservoir Crack Repair Project, Authorize the City to Advertise for Bids, and Authorize the Public Hearing and Bid Opening to be held on February 18, 2020. Motion carried unanimously.

Jim Olmsted gave an update on projects. Weather permitting, the Ditch Cleaning Project is projected to start next week. FEMA will start working again on the Willow Park Mitigation project. Olmsted stated that there have been multiple water main breaks by the interstate. They have contacted Terracon to complete soil testing and see if something in the soil is causing the pipe to corrode. They are also having the pipe tested to see if there was a defect.

Jeannie Wortmann with the Chamber gave an update on past and future events. SWIPCO is working on the Community Catalyst grant and the pre-application was approved. The Chamber

is heading the 150th celebration planning. The first meeting is January 27th at 6 p.m. She would like a Council Member or City staff to attend. The High School Journalism Department is working on an application for HGTV's "Hometown Takeover." Wortman and Kelly Sherer are working on a grant for new lighting at the Caboose and Windmill. They inquired if the City would be a fiscal sponsor for the grant. Council was in agreement of being the sponsor.

Lacey Ardery with Harrison County Public Health stated their annual Health Fair is April 11, 2020 from 10 a.m. to 2 p.m. They would like to request permission to turn on the power and water early, use the Aquatic Center parking lot, and for the blood bank and Fire and Police Department vehicles to be present during the Fair. Council was in favor of the items requested.

Fire Chief Wohlers gave an updated from the Fire Station Building Committee. The Committee would like to get permission to receive the bond information to show citizens their potential tax increase. Flaherty stated that the City has used the wrap around structure for previous loans. Council would like Flaherty to contact D.A. Davidson and get updated figures.

Motion by Stueve, seconded by Ford to hire Mitchell Flaherty, as Part-time Police Officer. Motion carried unanimously.

Resolution #20-02 was introduced Setting Wage-Part-Time Employees. Motion by Pfouts, seconded by Stueve. Motion carried unanimously.

Motion by Pfouts, seconded by Stueve to approve the Candidates for the Fire Department, pending physicals. Motion carried unanimously.

Discussion was held on winter walking shoes. IMWCA has recommended winter walking shoes for City Employees. Deputy Clerk Ford had them quoted and found Winter Walking Shoes having the best price. Motion by Stueve, seconded by Pfouts to purchase Winter Walking shoes for City Employees. Motion carried on a 5-0 vote. Fire Chief Wohlers inquired about purchasing winter walking shoes for the Fire Department. He will get pricing.

Discussion was held on creating a Driveway Ordinance. Flaherty stated that the City currently does not have any ordinance regulating driveway paving requirements. Council would like Flaherty to see what different sizes of driveways are in town and look at specifications for driveway repairs.

Motion by Struble, seconded by Dooley to Approve the Estimate from Macqueen Equipment Group for the Street Sweeper Repairs in the amount of \$1,736.29. Motion carried unanimously.

Motion by Struble, seconded by Stueve to approve the Health Insurance Renewal. Roll Call: Ayes: Struble, Stueve, Dooley, Pfouts Nays: None Abstain: Ford. Motion carried on a 4-0-1 vote.

Discussion was held on the Residential Rental Property Inspection Program Fees. Ford would like to see reinspection fees waived if the property owner completes the repairs within 30 days. Council agreed to try waiving the fees and stated they can change the fees in the future if needed.

Ordinance #553 Was introduced Adopting the 2015 Edition of the International Property Maintenance Code, Regulating and Governing the Conditions and Maintenance of Property, Buildings, and Structures; by Providing the Standards for Supplied Utilities and Facilities and other Physical Things and Conditions Essential to Ensure that Structure are Safe, Sanitary and Fit for Occupation and Use; and the Condemnation of Buildings and Structures unfit for Human Occupancy and Use and the Demolition of such Structures in the City of Missouri Valley; Providing for the Issuance of Permits and Collection of Fee Therefore; Repealing all Other Ordinances or Parts of Ordinances in Conflict Herewith. Motion by Stueve, seconded by Pfouts to waive the 2nd and 3rd readings. Roll call: Ayes: Stueve, Pfouts, Struble, Dooley Nays: Ford. Motion carried on a 4-1 vote. Motion by Pfouts, seconded by Struble to adopt Ordinance #553. Roll call: Ayes: Pfouts, Struble, Dooley, Stueve Nays: Ford. Motion carried on a 4-1 vote.

Resolution #20-03 was introduced Establishing Fees for Inspections of Residential Rental Property within the City of Missouri Valley. Motion by Stueve, seconded by Dooley. Motion carried unanimously.

Motion by Pfouts, seconded by Stueve to Authorize Mayor to sign the Contract for Services with Southwest Iowa Planning Council. Motion carried unanimously.

Motion by Struble, 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 unanimously.

There were no City Clerk comments.

There were no Mayor comments.

Motion by Pfouts, seconded by Stueve to adjourn at 7:12 p.m. Motion carried on a 5-0 vote.

Shawn Kelly, Mayor

Attest: Jodie Flaherty, City Clerk

RESOLUTION 20-02

RESOLUTION SETTING WAGE

WHEREAS, the City Council has approved the following pay schedule for employees as follows:

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>
Part-Time Police Officer	Mitchell Flaherty	\$21.81
Part-Time Librarian	Madonna Phillips	\$7.25

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

That the employees shall be paid the wage as indicated above effective January 21, 2020.

Passed and approve this 21st of January, 2020.

Shawn Kelly, Mayor

ATTEST:

Jodie Flaherty, City Clerk

ORDINANCE #553

AN ORDINANCE OF THE CITY OF MISSOURI VALLEY ADOPTING THE 2015 EDITION OF THE *INTERNATIONAL PROPERTY MAINTENANCE CODE*, REGULATING AND GOVERNING THE CONDITIONS AND MAINTENANCE OF PROPERTY, BUILDINGS AND STRUCTURES; BY PROVIDING THE STANDARDS FOR SUPPLIED UTILITES AND FACILITIES AND OTHER PHYSICAL THINGS AND CONDITIONS ESSENTIAL TO ENSURE THAT STRUCTURES ARE SAFE, SANITARY AND FIT FOR OCCUPATION AND USE; AND THE CONDEMNATION OF BUILDINGS AND STRUCTURES UNFIT FOR HUMAN OCCUPANCY AND USE AND THE DEMOLITION OF SUCH STRUCTURES IN THE CITY OF MISSOURI VALLEY; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFOR; REPEALING ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MISSOURI VALLEY AS FOLLOWS:

SECTION I PURPOSE

The purpose of this ordinance is to designate the responsibilities of persons for maintenance of structures, equipment, and exterior property within the City, to define health and safety hazards as a result of the failure to perform such maintenance and to provide for the abatement of such hazards in order to provide for the safety and preserve the health and welfare of the citizens of the City.

SECTION II INTERNATIONAL PROPERTY MAINTENANCE CODE ADOPTED.

Except as hereinafter added to, deleted, modified or amended, there is hereby adopted as the Property Maintenance Code of the City of MISSOURI VALLEY that certain Code known as the *International Property Maintenance Code, 2015 Edition*, as published by the International Code Council, and the provisions of said Property Maintenance Code shall be controlling in maintaining minimum requirements and standards of structures and properties within the corporate limits of the City and shall be known as the MISSOURI VALLEY Property Maintenance Code.

SECTION III AUTHORITY FOR ENFORCEMENT.

The Mayor, as the Code Enforcement Officer, shall be responsible for the enforcement of this chapter and shall have all the necessary authority to carry out such enforcement. The Code Enforcement Officer may designate an inspector and/or such persons as necessary to carry to the provisions of this ordinance.

SECTION IV AMENDMENTS TO THE PROPERTY MAINTENANCE CODE

The following sections are hereby revised:

Title. Section 101.1. Insert: “The City of MISSOURI VALLEY” as name of jurisdiction

Fees. Section 103.5 shall be deleted and replaced as follows:

103.5 Fees.

The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be adopted by resolution of the City Council.

Permits. New sections 103.6 through 103.12, shall be added to read as follows:

103.6 Permit Required.

1. No owner or operator shall rent, or offer for rent, any dwelling unit for use in whole or in part for human habitation, unless
 - a. A valid Residential Rental Permit has been issued, or is pending, subject to inspection approval
2. All existing rental properties as of the date of adoption of this ordinance must apply for a permit to the City within 90 days of the adoption of this ordinance. Failure to do so shall result in penalties which may include, but are not limited to issuance of tenant notice to vacate and/or issuance of municipal infraction citations. Any new or converted properties thereafter must have a valid permit prior to occupancy.

103.7 Permit Application.

1. Permit application shall be made by the owner or owner’s representative on forms provided by the City, and submitted to the Code Enforcement Officer. Applications will not be approved without submittal of all required information, payment of required fees, and compliance with the requirements of this chapter.

2. Applicant shall provide the following information:
 - a. Address of property
 - b. Number and type of dwelling units in the dwelling structure
 - c. Zoning district in which the property is located
 - d. Owner's name and contact information:
 - i. Mailing address
 - ii. Contact telephone number during normal business hours
 - iii. Alternate telephone number
 - iv. Email address, if applicable
 - e. If management responsibility has been delegated by the owner to a different party:
 - i. Name of property manager
 - ii. Mailing address
 - iii. Contact telephone number during normal business hours
 - iv. Alternate telephone number
 - v. Email address, if applicable
3. The owner or property manager is responsible to inform the Code Enforcement Officer of any subsequent changes to any permit information, at the time of such changes, and at any such time that changes occur after initial permit application submission or permit approval.

103.8 Duration of Permit.

Residential Rental Permits shall be issued for terms of three years, shall expire at the end of that term, and shall not be renewed without inspection. Notice of expiration shall be issued by the City to the owner or property manager.

103.9 Permit Fees.

Fees shall be due at the time of application. Failure to pay require fees shall constitute a violation of this Code, and may result in penalties in the form of revocation of the Residential Rental Permit; issuance of tenant notice to vacate; and/or issuance of municipal infraction citations. Fees shall be authorized by resolution.

103.10 Transfer of Permit.

Residential Rental Permits may not be transferred from one owner to another in the event of property sale. It is the responsibility of the current owner to inform the Code Enforcement Officer of the buyer's name and contact information. It is the responsibility of the property buyer to register the property in his/her name or company name, and furnish appropriate contact information to the Code Enforcement Officer.

103.11 Sale of Property.

It shall be unlawful for the owner of any dwelling unit or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such dwelling unit or structure to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the Inspector and shall furnish to the Code Enforcement Officer a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

103.12 Denial and/or Revocation of Permit.

1. If a dwelling unit is found in violation of any requirements of this chapter, the Inspector shall notify the owner, and if applicable property manager, of the deficiencies in writing. All cited deficiencies must be corrected within the time limits specified in the Inspector's notice. The Residential Rental permit shall be denied or revoked if the dwelling is not in compliance at the end of the period specified by the Inspector.
2. Upon denial or revocation of the Residential Rental Permit the City shall notify the owner and the occupants in writing. The notice shall state the reason for revocation, statement of required corrective actions, that the dwelling must be vacated within 30 days of the date of notice unless compliance is achieved prior to that date and that the owner may appeal to decision as outlined in Section 111.

Residential Rental Inspections. Add Sections 104.7 through 104.15.

104.7 Residential Rental Inspection Required.

Inspection of residential rental property is required to secure compliance with all relevant codes and standards.

104.8 Initial Inspections.

1. The initial inspections following the adoption of this ordinance shall occur in accordance with a phased-in systematic inspection program to be prepared by the City. A minimum thirty (30) days written notice shall be given for all initial inspections. Inspections for residential rental units may also be scheduled upon a transfer of ownership, upon receipt of written complaints, alterations, modifications, or for any other reasonable cause.

2. The initial, or “first” inspection shall be scheduled by the City with the owner or property manager. The owner or property manager is responsible to provide a minimum 24-hour advance notice to tenants prior to the scheduled inspection. The owner, property manager, or his/her designated representative shall be present at the inspection. The inspector shall not perform the inspection if it is discovered the tenants have not received the required advance notice or if the owner, property manager, or his/her designated representative is not present. Additionally, a re-inspection will be scheduled, and the owner will be charged a re-inspection fee in accordance with a fee schedule set by resolution of the City Council.

104.9 Re-inspections.

Re-inspections are required to verify correction of code deficiencies identified at a prior inspection. If Code deficiencies are found on a first inspection, each succeeding re-inspection shall be charged a fee in accordance with a fee schedule set by resolution of the City Council.

104.10 Regular Periodic Inspection.

Regular periodic inspection is required prior to expiration of a current Rental Permit. Registered owners or property managers shall receive advance notice of required periodic inspection appointments from the City. An owner’s or property manager’s or his/her designated representative’s failure to appear at a scheduled periodic inspection is a violation of this Code subject to penalties as provided herein. Penalties include, but may not be limited to fees in accordance with a fee schedule set by resolution of the City Council.

104.11 Noted and cited code violations.

1. Noted code violations are not considered life safety issues and are not of a severity to cause structural deterioration. Noted items shall not prevent the issuance of a Residential Rental Permit.
2. Cited code violations must be repaired prior to the issuance of a Residential Rental Permit. Cited items may lead to further enforcement actions by the City of MISSOURI VALLEY.

104.12 Reasonable time limits for compliance.

General compliance time limits for cited items shall be as follows:

- 1.Imminent life safety – requires immediate corrective action;
- 2.Routine/normal maintenance – must be completed within 30 days;
- 3.Seriously deferred maintenance/medium-large project – 90 days;
- 4.Weather/seasonal dependent item – 180 days or as negotiated with the Inspector.

104.13 Time Extensions for Compliance

Applications for time extensions may be submitted to the Code Enforcement Officer with a progress report and estimated schedule for completion. Such applications will be reviewed and approved or denied in writing on an individual case basis by the Code Enforcement Officer. Appeals of the determination of the Code Enforcement Officer may be made in accordance with Section 111.

104.14 Right to Access by Inspector.

The Building Inspector and his/her authorized representative may enter any premises on proof of authority for the purpose of inspecting any building, at such times as may be reasonably necessary to protect the public health, safety, and welfare.

104.15 Emergency Orders.

1. Whenever the inspector, in the enforcement of the housing code, finds that a condition exists which requires immediate action to protect the health or safety of the occupants and/or the general public, the inspector may, without notice or hearing, issue an order reciting the existence of such a condition and requiring that action be taken such as the inspector deems necessary to abate the condition. If necessary, the Code Enforcement Officer may order that the premises be vacated forthwith, and said premises shall not be reoccupied until the order to make repairs has been complied with. Notwithstanding other provisions of the code, such order shall be effective immediately or in the time and manner prescribed by the order itself.
2. No dwelling, dwelling unit, rooming unit or portion thereof which has been determined to be unfit for human habitation shall be used for human habitation again until written approval is secured from the Inspector and the Code Enforcement Officer.

Stop Work Order. Section 112.4. Replace with the following:

Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be guilty of a municipal infraction under Chapter 4 of the Missouri Valley, Iowa Code of Ordinances.

Weeds. Section 302.4 Replace with the following:

All premises and exterior property shall be maintained free from weeds or plant growth in excess of eight inches (8"). All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

Insect Screens. Section 304.14. Delete the following:

During the period from [DATE] to [DATE], every door, window and other outside opening required for *ventilation* of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human

consumption are processed, manufactured, packaged or stored shall be supplied with *approved* tightly fitting screens of minimum 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.

Exception: Screens shall not be required where other *approved* means, such as air curtains or insect repellent fans, are employed.

Interior Surfaces. Section 305.3 Replace with the following:

305.3 Interior Surfaces

All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. (The presence of lead-based paint shall constitute a noted deficiency.) Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected.

Heat Supply. Section 602.3. Delete the following:

Every *owner* and *operator* of any building who rents, leases or lets one or more *dwelling units* or *sleeping units* on terms, either expressed or implied, to furnish heat to the *occupants* thereof shall supply heat during the period from [DATE] to [DATE] to maintain a minimum temperature of 68°F (20°C) in all habitable rooms, *bathrooms* and *toilet rooms*.

Exceptions:

1. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the *International Plumbing Code*.
2. In areas where the average monthly temperature is above 30°F (-1°C) a minimum temperature of 65°F (18°C) shall be maintained.

Occupiable Work Spaces. Section 602.4. Delete the following:

Indoor occupiable work spaces shall be supplied with heat during the period from [DATE] to [DATE] to maintain a minimum temperature of 65°F (18°C) during the period the spaces are occupied.

Exceptions:

1. Processing, storage and operation areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in vigorous physical activities.

SECTION V REPEALER

Any ordinance or portion of ordinances in conflict with this ordinance are repealed to the minimum extent necessary to conform with this ordinance.

SECTION VI 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 VII EFFECTIVE DATE

This ordinance shall be in full force and effect upon its final passage and publication as required by law.

PASSED AND APPROVED BY THE COUNCIL THIS 21st DAY OF January, 2020.

CITY OF MISSOURI VALLEY, IOWA

Shawn Kelly, Mayor

ATTEST:

Jodie Flaherty, City Clerk

RESOLUTION 20-03

A RESOLUTION ESTABLISHING FEES FOR INSPECTIONS OF RESIDENTIAL RENTAL PROPERTY WITHIN THE CITY OF MISSOURI VALLEY.

WHEREAS, On January 21, 2020, the City Council of the City of Missouri Valley did adopt Ordinance #553, establishing procedures for inspections of rental property within the City; and **WHEREAS**, Section IV (Amendments to the Property Maintenance Code) of Ordinance #553 states the following:

“The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be adopted by resolution of the City Council.”

WHEREAS, staff has proposed fee amounts, and the City Council wishes to approve the schedule of fees;

BE IT THEREFORE RESOLVED, that the owner of any premises on which the City conducts any inspections in accordance with Ordinance #553 shall pay a fee for the inspection as set forth in this chapter. These fees shall be remitted to the City of Missouri Valley, and shall be in addition to any other fees as set forth by the Missouri Valley City Council; and

BE IT FURTHER RESOLVED, that fees shall be charged in accordance with the following:

INSPECTION FEE SCHEDULE

Single Family Rental Unit (House)\$100.00

Multi Family Rental Unit (Apartment Building Unit)..... \$60.00

Failure to Show for Scheduled Inspection..... \$50.00

Properties that fail their first inspection must be re-inspected to verify that corrections have been made. The first re-inspection shall be at no cost to the property owner. Subsequent inspections, if required shall be at the following rate:

Reinspection, per unit \$50.00

In addition to the above fee schedule, there shall be due a late fee of \$25.00 per month on all outstanding inspection fee balances not paid within 30 days of the date of the invoice.

PASSED AND APPROVED this 21st day of January, 2020 by the City Council of the City of Missouri Valley, Iowa.

Shawn Kelly, Mayor

Attest: _____
Jodie Flaherty, City Clerk