

**CITY OF MISSOURI VALLEY
CITY COUNCIL MEETING
TELECONFERENCE
TUESDAY, MAY 5, 2020**

Mayor Kelly presided over the meeting and called it to order at 6:00 p.m. with the following Council members present: Dooley, Sr., Ford, Pfouts, Stueve, and Struble.

The Pledge of Allegiance was recited.

Kelly asked Council for any comments or additions-Dooley requested and will be 14a.

6 p.m. Public Hearing was held on Ordinance Amending the City of Missouri Valley Zoning Ordinance, Sections 2.3 and 3.72 Permitted Accessory Uses and Adding a Definition to Section 2.3. There were no oral or written objections. Stueve stated she is worried about vehicles and if neighbors will be notified of the change. Flaherty stated that neighbors will not be notified unless the property owners permit is denied and they would file an appeal. Motion by Struble, seconded by Dooley to close the public hearing. Motion carried unanimously.

Motion by Struble, seconded by Pfouts to approve the agenda for the May 5, 2020 meeting. Motion carried unanimously.

Motion by Struble, seconded by Stueve to approve the following items on the consent agenda: a) Minutes from 4/21/2020 City Council Meeting b) Claims list c) Liquor License for Quik-Pik d) Cigarette/Tobacco/Nicotine/Vapor Permits for Moes Mart #7. Motion carried unanimously.

Sally Salter stated Tim Cooper is scheduled to pour concrete on Thursday. One stump has been carved and one will be carved each weekend until completed. Salter invited Council to drive by and see the carving. Salter stated that the carvings are painted and varnished. The parking curbs are in at the park.

Bruce Kocher, Library Director, stated the Library will be partially opening starting Monday, Wednesday, and Fridays from 11 a.m. to 3 p.m. Patrons can do curbside pickup on Tuesday and Thursdays. They are using the State Library recommendations for opening.

Chris Myer, Park Superintendent, stated almost all areas have been mulched and they need to finish mulching in the Park. They have started mowing and working on the pool.

Assistant Chief Lange, stated the new patrol vehicle is in. Officer Reynolds training at the ILEA has been postponed until June. He will attend online the first month and then attend in Des Moines for the remainder.

Bob Riesland, Street Superintendent, stated there have been multiple sewer main issues. All of the additions have been graded and rocked except Willow Park. He is waiting to hear from Jim Olmsted about the street project before proceeding. The department will be putting rock in the

camping area in the City Park, mowing, and have been cleaning out ditches. Riesland also stated the conditions on Main Street are causing issues for the street sweeper.

Jonathan McDonald, PeopleService, stated the media is in the filters at the Water Treatment Plant. It has been leveled and backwashed. Samples have been taken to the lab and Westech needs to treat the media. The pump at the 3rd Street Booster Station has been pulled for the project.

Jeannie Wortmann with the Chamber stated the Sheriff Candidates Forum has been cancelled due to the Rand Center being closed until June 1st. Candidates will be mailed questions and their answers will be published in the paper. Businesses are opening and are adhering to the State's guidelines. She also encourages everyone to use their stimulus payments at the local businesses. The Senior Parade will be on May 17th. Music in the Park is scheduled for Thursday's in June. The Welcome Sign will be fixed soon. Please fill out the Census 2020 forms. Please go to testiowa.com and take the COVID-19 assessment. It is Teacher Appreciation and Public Service Recognition week. Chamber thanked teachers, Mayor, Council, and staff for their hard work.

Jim Olmsted gave an update on projects. There has been a change order for the Water Treatment Plant Project. The wash trough brackets were rusted and needed replaced.

Motion by Stueve, seconded by Struble to approve Change Order #2 for Minturn Inc in the amount of \$3,050.00. Motion carried unanimously.

The Contractors are still working on the Street Reconstruction Project. On Huron Street, there is a 300 foot section with no support under the pavement. New rock and fabric were installed. This will require a \$14,000.00 to \$15,000.00 change order.

Motion by Struble, seconded by Ford to approve Pay Application #1 for Precision Concrete Services in the amount of \$81,620.20. Motion carried unanimously.

Olmsted stated the pump and motor have been pulled at the Booster Station and the crack repairs have been completed at the Reservoir. He has not received the final numbers from FEMA on the Willow Park Project but has been told the project has been approved. Precision Concrete will work on Michigan Street next.

Motion by Struble, seconded by Pfouts to allow the Mayor to sign the Waiver and Release for Old Republic Surety Company in Connection with the Tamarack Development. Motion carried unanimously.

Resolution #20-13 was introduced Resolution Setting Wages of Seasonal Employees-Gary Bolte. Motion by Struble, seconded by Dooley. Motion carried unanimously.

Ordinance #554 was introduced Amending the City of Missouri Valley Zoning Ordinance, Sections 2.3 and 3.72 Permitted Accessory Uses and Adding a Definition to Section 2.3. Motion by Struble, seconded by Dooley to waive the 2nd and 3rd reading. Roll call: Ayes: Struble, Dooley, Pfouts, Ford. Nays: Stueve. Motion carried a 4-1 vote. Motion by Struble, seconded

by Dooley to adopt Ordinance #554. Roll call: Ayes: Struble, Dooley, Pfouts, Ford. Nays: Stueve. Motion carried a 4-1 vote.

Dooley would like to withhold names of citizens issuing complaints. He is concerned about retaliation for people complaining and feels it should fall under whistleblower law. Flaherty will check with the Iowa League of Cities and see what they recommend.

Flaherty stated she is waiting to hear from the contractor on the diving board project. The contractor was concerned about the diving board manufacturer not having the board completed on time. Flaherty also thanked the Mayor and Council for their continued support with the pandemic policy.

Mayor Kelly encouraged citizens to support local businesses.

Motion by Pfouts, seconded by Stueve to enter into closed session at 6:47 p.m. per IA Code 21.5(1)(j) to discuss the sale of real estate. Motion carried unanimously.

Motion by Pfouts, seconded by Stueve to return to open session at 7:14 p.m. Motion carried unanimously.

Motion by Pfouts, seconded by Struble for Mayor Kelly to contact the interested party and discuss the sale of the property. Motion carried unanimously.

Struble thanked the Nurses, Doctors, and First Responders.

Motion by Stueve, seconded by Pfouts to adjourn at 7:17 p.m. Motion carried unanimously.

Shawn Kelly, Mayor

Attest: Jodie Flaherty, City Clerk

RESOLUTION 20-13

RESOLUTION SETTING WAGES OF SEASONAL EMPLOYEES

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

<u>Position</u>	<u>Name</u>	<u>Rate</u>
Park Groundskeeper PT	Gary Bolte	\$12.25

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

That the employee shall be paid the wage as indicated above effective May 5, 2020.

Passed and approved this 5th day of May, 2020.

Shawn Kelly, Mayor

ATTEST:

Jodie Flaherty, City Clerk

ORDINANCE #554

**AN ORDINANCE AMENDING THE CITY OF MISSOURI VALLEY ZONING
ORDINANCE, SECTIONS 2.3 AND 3.72 CONCERNING PERMITTED ACCESSORY
USES AND ADDING A DEFINITION TO SECTION 2.3**

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

SECTION 1. SECTION MODIFIED: Section 2.3, “Accessory Use or Structure” is hereby amended as follows:

A subordinate structure or use which customarily is incidental to that of the principal or conditional use of the premises. Customary residential accessory uses include that but are not limited to, tennis courts, swimming pools, detached garages, air conditioners, garden houses, children’s play houses, barbecue ovens, fire places, patios, residential storage sheds and cargo containers; but under no circumstances include incomplete or inoperable motor vehicles. Garages or other accessory uses attached to the principal structure shall be considered a part thereof and meet the requirements of the principal structure.

SECTION 2. SECTION MODIFIED: Section 3.72, “Permitted Accessory Uses”, is hereby amended to add sub-section I as follows:

- I. In all residential zones, accessory buildings and structures, with the exception of carports and cargo containers, shall be roofed in the gable or hip style and shall include an overhang of a minimum of six (6) inches. All accessory buildings and structures must be consistent in color with the primary structure and be free of any advertising.

SECTION 3. Adding a new definition to Section 2.3 to read as follows:

113. **CARGO CONTAINERS:** standardized reusable vessels that were:
Originally designed for or used in the parking, shipping, movement or transportation of freight, articles, goods or commodities; and/or
Originally designed for or capable of being mounted or moved by rail, truck or ship by means of being mounted on a chassis or similar transport device. This definition includes the terms “transport containers” and “portable site storage containers” having a similar appearance to and similar characteristics of cargo containers.

SECTION 4. 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 5. 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 on the 5th day of May, 2020, and approved this 5th day of May, 2020.

Shawn Kelly, Mayor

ATTEST:

Jodie Flaherty, City Clerk

I certify that the foregoing was published as Ordinance #554 on the 20th day of May, 2020.

Jodie Flaherty, City Clerk

1st reading: 5-05-2020
2nd reading: Waived
3rd reading: Waived
Published: 5-20-2020