

**CITY OF MISSOURI VALLEY  
CITY COUNCIL MEETING  
MISSOURI VALLEY PUBLIC LIBRARY  
TELECONFERENCE  
TUESDAY, SEPTEMBER 15, 2020**

Due to the COVID-19 pandemic, the City of Missouri Valley offered the meeting via teleconference for the public.

Mayor Pro-Tem Struble 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. Also present: Caleb Wohlers, Mary Jo Buckley, and Jim Olmsted

The Pledge of Allegiance was recited.

Struble asked Council for any comments or additions-Stueve and Struble requested and will be 24a and 24b.

Motion by Pfouts, seconded by Stueve to approve the agenda for the September 15, 2020 meeting. Motion carried unanimously.

Motion by Pfouts, seconded by Stueve to approve the following items on the consent agenda: a) Minutes from September 1, 2020 City Council Meeting b) Claims list c) Administrators Financial Report. Motion carried unanimously.

Bobby Fairchild would like to know what Council has planned to grow Missouri Valley in the next 10 years. Struble stated the City is in the planning stages now.

Library Director Kocher presented the annual report.

Chief Wohlers stated the new candidates have met their requirements and passed their physicals. The new stair chair is in and operational. The Department has covered two football games and will help wash windows after homecoming is completed. He reached out to several businesses for quotes for an A/C/Heating system in the office/training room. He has received only one bid and it will be on the next agenda for approval.

Assistant Chief Lange stated Officer Reynolds will graduate ILEA tomorrow. They received 10 applications and will have testing on Saturday. The Department completed a traffic safety program.

Bob Riesland, Street Superintendent, said the Street Department is mowing, rocking alleys, grading, fixing issues with the Huron Street bridge, ordered salt/sand, and getting equipment ready for winter. They are done trimming trees and several ditches have been cleaned out by Harrison Street.

Chris Myer, Park Superintendent, stated the pool has been painted. There were seven rotten electrical poles at the City Park. Myer is getting quotes to replace them and correct other electrical issues. The department is winterizing the pool. Myer is also getting quotes for concrete at the pool.

Jonathan McDonald, PeopleService, stated the Reservoir/Booster Station is almost complete. They are flushing hydrants the last week of September and the first week of October. He will have City Hall post something on Facebook. They will be discharging the lagoon at the beginning of October.

Jeannie Wortman with the Chamber reminded Council of their annual BBQ. September 24<sup>th</sup> is the next scheduled 150<sup>th</sup> meeting. It will be held at the 4H Building from 6 to 7 p.m. They have cancelled the 2020 Awards Banquet. The Halloween Parade will be October 22nd. Doll Distributing gave out three grants to the community and the Fire Department received a \$2,000.00 grant. Wortman urges citizens to fill out the survey for the Census. The sign has been fixed by the high school and they had another sign damaged. H & L Lighting contacted the Chamber and inquired if businesses would like lights on the top of their buildings. Wortman will find out the projected costs and would like to have the City cost share the project.

Jim Olmsted gave an update on current projects. The 3<sup>rd</sup> Street Booster Station is almost complete and the Control System is running. The City is still waiting on FEMA to review the archeological study. Olmsted met with Steve Struble about the potential closing of a portion of Canal Street. The County is worried about the long-term structural issues of the bridge. County would like to see the private crossing become public and a "clover leaf" off of the by-pass. The City would also like confirmation from the railroad that they see the same issues as the DOT. Flaherty has forwarded the input to the DOT and are waiting to hear back on potential meeting dates. Olmsted stated they are finished with the preliminary work on the Interstate Water Main Replacement Project. Olmsted believes the work should be done in the Fall or Spring. Flaherty will ask DA Davidson to come to a Council meeting after the next planning workshop.

Mary Jo Buckley with the Park Board was present to give Council an update. The Board would like to apply for the King Grant for kiosk improvements, registration updates, and new shrubbery at the City Park. The Park Board would also like to apply for the grant for the Dog Park. They would like a new kiosk and garbage can. Council would support applying for the grant for the City Park only. Motion by Pfouts, seconded by Stueve to put \$500.00 towards the kiosk project in the City Park. Motion carried unanimously.

Buckley stated that the Lions Club donated baby trees to the Park Board. About 45 have survived and need a place to be planted. The Park Board would like to plant the trees at the old Harrison Street Ballfield. Board member Bud Ahmed will donate his time and company to plant the trees. Motion by Ford, seconded by Pfouts to allow the Park Board to use the Harrison Street Baseball Field to plant the donated trees. Motion carried unanimously.

Discussion was held on the proposed Park Camping Rules. Council would like to review the rules and have this on the next agenda.

Council would like the Mayor to sign the Mayoral Proclamation for the Week of September 17 through September 23, 2020 as Constitution Week.

Discussion was held on the disposal of the 1990 Ford Ranger. Myer received a quote from U Pull-It for \$300.00. Motion by Ford, seconded by Pfouts to dispose of the 1990 Ford Ranger to U Pull-It for \$300.00. Motion carried unanimously.

Motion by Pfouts, seconded by Ford to allow the Mayor to sign the Dedication of Public Water Mains and Sanitary Sewer Mains, Storm Sewer Mains and Inlets and Concreted Paved Streets and Related Appurtenances to the City of Missouri Valley, Iowa. Motion carried unanimously.

Discussion was held on the quote for the Auger. Council would like to know the cost of renting one instead. Motion by Pfouts, seconded by Stueve to table the item until the next meeting. Motion carried unanimously.

Discussion was held on the quote from Electric Pump. Council would like to repair the pump instead of purchasing a new pump. Motion by Stueve, seconded by Pfouts to accept the quote from Electric Pump to repair Rotating Assembly in the amount of \$7,793.00. Motion carried unanimously.

Motion by Ford, seconded by Dooley to allow Harrison County Public Health to use the Aquatic Center Parking Lot for the drive-thru flu shot clinic on October 14, 2020 from 9 a.m. to 11 a.m. Motion carried unanimously.

Motion by Ford, seconded by Pfouts to approve the promotion to EMS Captain for Angel Nies. Motion carried unanimously.

Ordinance #556 was introduced Adopting Building Codes to Regulate and Govern the Conditions and Maintenance of all Property, Buildings and Structure; to Provide the Standards for Supplied Utilities 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 in Conflict Herewith. Motion by Pfouts, seconded by Ford to waive the 3<sup>rd</sup> reading. Motion carried unanimously. Motion by Pfouts, seconded by Stueve to adopt Ordinance #556. Motion carried unanimously.

An Ordinance Amending the Code of Ordinances of the City of Missouri Valley, Iowa, by Amending Provisions Pertaining to Animal Control. Motion by Ford, seconded by Pfouts to adopt the 1<sup>st</sup> reading. Motion carried unanimously.

An Ordinance Amending the Code of Ordinances of the City of Missouri Valley, Iowa by Amending Provision Pertaining to Tobacco Use. Motion by Ford, seconded by Stueve to adopt the 1<sup>st</sup> reading. Motion carried unanimously.

An Ordinance Amending the Code of Ordinances of the City of Missouri Valley, Iowa by Amending Provisions Pertaining to Standard Penalty. Motion by Ford, seconded by Stueve to adopt the 1<sup>st</sup> reading. Motion carried unanimously.

Resolution #20-31 was introduced approving Street Finance Report for Fiscal Year 2019-2020. Motion by Pfouts, seconded by Stueve. Motion carried unanimously.

Discussion was held on opening City facilities to the public. Council would like to wait for the Governor's proclamation to see what the State is recommending. Motion by Stueve, seconded by Pfouts to table the agenda item and put on the next agenda. Motion carried unanimously.

Stueve asked for an update with the potential shooting range. Flaherty stated she has been in contact with the business and has contacted the DNR for recommendations and a list of other communities that have ranges. Stueve also stated there are homeless people staying in the Rath Motel. Flaherty recommended she contact the Police Department.

Struble was contacted by a citizen who was upset about two letters she received from the City. One letter was regarding a civil matter and the other was for a meter change out the potential \$750.00 per day penalty. Flaherty stated the letter regarding the civil matter has been addressed and will not happen in the future. The penalty verbiage was by the recommendation of the City Attorney to try to get property owners to follow thru and the Code of Ordinances has the civil penalty of \$750.00 per day.

Flaherty stated that the CARES Act has been submitted and reminded Council that the next goal setting workshop needs to be scheduled.

There were no Mayor Comments.

Motion by Pfouts, seconded by Stueve to adjourn at 8:08 p.m. Motion carried unanimously.

Sherman Struble, Mayor Pro-Tem

Attest:

Jodie Flaherty, City Administrator

### **ORDINANCE #556**

AN ORDINANCE OF THE CITY OF MISSOURI VALLEY ADOPTING BUILDING CODES TO REGULATE AND GOVERN THE CONDITIONS AND MAINTENANCE OF ALL PROPERTY, BUILDINGS AND STRUCTURES; TO PROVIDE 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 new construction, additions, and modifications of structures within the City in order to provide for the safety and preserve the health and welfare of the citizens of the City.

**SECTION II. ADOPTION OF BUILDING CODE**

Except as hereinafter added, deleted, modified or amended, there is hereby adopted following building codes as well as any amendments adopted to these codes heretofore by the State of Iowa:

1. *International Building Code, 2015 Edition*
2. *International Residential Code, 2015 Edition*
3. *International Fire Code, 2015 Edition*
4. *International Existing Building Code, 2015 Edition*
5. *National Electrical Code, 2017 Edition*
6. *International Mechanical Code, 2015 Edition*
7. *Uniform Plumbing Code, 2018 Edition*

The provisions of said Building Codes shall be controlling in maintaining minimum requirements and standards of structures and properties within the corporate limits of the City and shall be known inclusively as the Missouri Valley Building Code.

**SECTION III. AMENDMENTS, MODIFICATIONS, ADDITION, AND DELTIONS**

The following sections to the *2015 International Building Code and 2015 International Residential Code* are hereby revised:

**Title.** Section 101.1 and Section R101.1 Insert “City of Missouri Valley” as name of jurisdiction

**Permit Required.** Section 105.1 and Section R105.1 shall read as follows:

Any owner or owner’s authorized agent who intends to erect, construct, convert, alter, enlarge, extend, raise or demolish or move any building or structure or any portion thereof shall first make application to the City and obtain the required building permit.

**Application for Permit.** Section 105.3 and Section R105.3 shall be read as follows:

To obtain a permit, the applicant shall first file an application therefor in writing on a form furnished by the City Administrator for that purpose. Such application shall include sufficient documentation to ensure compliance with the building code.

**Section 105.3.1 Action on Application.** The City Administrator shall examine or cause to be examined applications for permits and amendments thereto within a reasonable time after filing. If the application or the construction documents do not conform to the requirements of pertinent laws, the City Administrator shall reject such application in writing, stating the reasons therefor. If the City Administrator is satisfied that the proposed work conforms to the requirements of this code and laws and ordinances applicable thereto, the City Administrator shall issue a permit therefor as soon as practicable.

**Expiration.** Section 105.5 and Section R105.5 shall read as follows:

Any building permit under which no construction work has been commenced within six (6) months after the date of issue of the permit, or under which the proposed construction has not been completed within two (2) years of the date of issue, shall expire by limitation; and no work or operations shall take place under any building permit after such expiration.

**Reinspection Fees.** Add a new Section 109.7 and Section R109.5 to read as follows:

A re-inspection fee may be assessed for each inspection or re-inspection when such portion of work for which inspection is called is not complete or when corrections called for are not made or incorrectly completed.

Re-inspection fees may be assessed when the approved plans are not readily available to the inspector, for failure to provide access on the date for which inspection is requested, or for deviating from plans requiring the approval of the City Administrator.

**Violations and Penalties.** Section 114.4 and Section R113.4 shall read as follows:

Any person, firm or corporation violating any of the provisions of this Code shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any provisions of this Code is committed, continued, or permitted and upon conviction of any such violations such person shall be penalized in accordance with Chapter 4 of the Missouri Valley Code of Ordinances.

**Establishment of Flood Hazard Areas.** Section 1612.3 shall refer to the Flood Insurance Rate Map (FIRM) for Missouri Valley, Iowa dated August 1, 1977, or any other FIRM or amendments thereto adopted by the City Council.

#### SECTION IV ADMINISTRATION

The City Administrator or his/her designee, is charged with the administration of this ordinance.

#### 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 V 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 VI 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 15th DAY OF SEPTEMBER, 2020.

CITY OF MISSOURI VALLEY, IOWA

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Sherman Struble, Mayor Pro-Tem

ATTEST:

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Jodie Flaherty, City Administrator

I certify that the foregoing was published as Ordinance #556 on the 23rd day of September, 2020.

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Jodie Flaherty, City Administrator

1<sup>st</sup> reading: 9-01-2020  
2<sup>nd</sup> reading: 9-15-2020  
3<sup>rd</sup> reading: Waived  
Published: 9-23-2020

**ORDINANCE #557**

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF MISSOURI VALLEY, IOWA, BY AMENDING PROVISIONS PERTAINING TO ANIMAL CONTROL**

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

**SECTION 1. SECTION MODIFIED.** Section 55.01 of the Code of Ordinances of the City of Missouri Valley, Iowa, is repealed and the following adopted in lieu thereof:

**55.01 DEFINITIONS.** The following terms are defined for use in this chapter.

1. "Advertise" means to present a commercial message in any medium, including (but not limited to) print, radio, television, sign, display, label, tag, or articulation.

*(Code of Iowa, Sec. 717E.1)*

2. “Animal” means a nonhuman vertebrate.  
*(Code of Iowa, Sec. 717B.1)*
3. “Animal shelter” means a facility which is used to house or contain dogs or cats, or both, and which is owned, operated, or maintained by an incorporated humane society, animal welfare society, society for the prevention of cruelty to animals, or other nonprofit organization devoted to the welfare, protection, and humane treatment of such animals.  
*(Code of Iowa, Sec. 162.2)*
4. “At large” means off the premises of the owner and not under the control of a competent person, restrained within a motor vehicle, or housed in a veterinary hospital or kennel.
5. “Business” means any enterprise relating to any of the following:  
*(Code of Iowa, Sec. 717E.1)*
  - A. The sale or offer for sale of goods or services.
  - B. A recruitment for employment or membership in an organization.
  - C. A solicitation to make an investment.
  - D. An amusement or entertainment activity.
6. “Commercial establishment” means an animal shelter, boarding kennel, commercial breeder, commercial kennel, dealer, pet shop, pound, public auction, or research facility.  
*(Code of Iowa, Sec. 717.B1)*
7. “Fair” means any of the following:  
*(Code of Iowa, Sec. 717E.1)*
  - A. The annual fair and exposition held by the Iowa State Fair Board pursuant to Chapter 173 of the *Code of Iowa* or any fair event conducted by a fair under the provisions of Chapter 174 of the *Code of Iowa*.
  - B. An exhibition of agricultural or manufactured products.
  - C. An event for operation of amusement rides or devices or concession booths.
8. “Game” means a “game of chance” or “game of skill” as defined in Section 99B.1 of the *Code of Iowa*.  
*(Code of Iowa, Sec. 717E.1)*
9. “Injury” means an animal’s disfigurement; the impairment of an animal’s health; or an impairment to the functioning of an animal’s limb or organ, or the loss of an animal’s limb or organ.  
*(Code of Iowa, Sec. 717.B1)*
10. “Livestock” means an animal belonging to the bovine, caprine, equine, ovine or porcine species, ostriches, rheas, and emus; farm deer (as defined in Section 170.1 of the *Code of Iowa*); or poultry.  
*(Code of Iowa, Sec. 717.1)*
11. “Owner” means any person owning, keeping, sheltering, or harboring an animal.
12. “Pet” means a living dog, cat, or an animal normally maintained in a small tank or cage in or near a residence, including but not limited to a rabbit, gerbil, hamster, mouse, parrot, canary, mynah, finch, tropical fish, goldfish, snake, turtle, gecko, or iguana.  
*(Code of Iowa, Sec. 717E.1)*



13. “Pound” means a facility for the prevention of cruelty to animals operated by the State, a municipal corporation, or other political subdivision of the State for the purpose of impounding or harboring seized stray, homeless, abandoned, or unwanted dogs, cats, or other animals; or a facility operated for such a purpose under a contract with any municipal corporation or incorporated society.

*(Code of Iowa, Sec. 162.2)*

14. “Research facility” means any school or college of medicine, veterinary medicine, pharmacy, dentistry, or osteopathic medicine, or hospital, diagnostic or research laboratories, or other educational or scientific establishment situated in the State concerned with the investigation of, or instruction concerning the structure or function of living organisms, the cause, prevention, control, or cure of diseases or abnormal conditions of human beings or animals.

*(Code of Iowa, Sec. 162.2)*

15. “Veterinarian” means a veterinarian licensed pursuant to Chapter 169 of the *Code of Iowa* who practices veterinary medicine in the State.

*(Code of Iowa, Sec. 717.B1)*

**SECTION 2. SECTION MODIFIED.** Section 55.02 of the Code of Ordinances of the City of Missouri Valley, Iowa, is repealed and the following adopted in lieu thereof:

**55.02 ANIMAL NEGLECT.**

1. It is unlawful for a person who owns or has custody of an animal and confines that animal to fail to provide the animal with any of the following conditions for the animal’s welfare:

*(Code of Iowa, Sec. 717B.3)*

A. Access to food in an amount and quality reasonably sufficient to satisfy the animal’s basic nutrition level to the extent that the animal’s health or life is endangered.

B. Access to a supply of potable water in an amount reasonably sufficient to satisfy the animal’s basic hydration level to the extent that the animal’s health or life is endangered. Access to snow or ice does not satisfy this requirement.

C. Sanitary conditions free from excessive animal waste or the overcrowding of animals to the extent that the animal’s health or life is endangered.

D. Ventilated shelter reasonably sufficient to provide adequate protection from the elements and weather conditions suitable for the age, species, and physical condition of the animal so as to maintain the animal in a state of good health to the extent that the animal’s health or life is endangered. The shelter must protect the animal from wind, rain, snow, or sun and have adequate bedding to provide reasonable protection against cold and dampness. A shelter may include a residence, garage, barn, shed, or doghouse.

E. Grooming, to the extent it is reasonably necessary to prevent adverse health effects or suffering.

F. Veterinary care deemed necessary by a reasonably prudent person to relieve an animal’s distress from any of the following:

(1) A condition caused by failing to provide for the animal’s welfare as described in this section.

(2) An injury or illness suffered by the animal causing the animal to suffer prolonged pain and suffering.

2. This section does not apply to any of the following:

A. A person operating a commercial establishment under a valid authorization issued or renewed under Section 162.2A of the *Code of Iowa*, or a person acting under the direction or supervision of that person, if all of the following apply:

(1) The animal, as described in Subsection 1, was maintained as part of the commercial establishment's operation.

(2) In providing conditions for the welfare of the animal, as described in Subsection 1, the person complied with the standard of care requirements provided in Section 162.10A[1] of the *Code of Iowa*, including any applicable rules adopted by the Department of Agriculture and Land Stewardship applying to: (i) a State licensee or registrant operating pursuant to Section 162.10A[2a] or [2b] of the *Code of Iowa*; or (ii) a permittee operating pursuant to Section 162.10A[2c] of the *Code of Iowa*.

B. A research facility if the research facility has been issued or renewed a valid authorization by the Department of Agriculture and Land Stewardship pursuant to Chapter 162 of the *Code of Iowa*, and performs functions within the scope of accepted practices and disciplines associated with the research facility.

**SECTION 3. SECTION MODIFIED.** Section 55.04 of the Code of Ordinances of the City of Missouri Valley, Iowa, is repealed and the following adopted in lieu thereof:

**55.04 ABANDONMENT OF CATS AND DOGS.** It is unlawful for a person who owns or has custody of a cat or dog to relinquish all rights in and duties to care for the cat or dog. This section does not apply to any of the following:

*(Code of Iowa, Sec. 717B.8)*

1. The delivery of a cat or dog to another person who will accept ownership and custody of the cat or dog.

2. The delivery of a cat or dog to an animal shelter or that has been issued or renewed a valid authorization by the Department of Agriculture and Land Stewardship under Chapter 162 of the *Code of Iowa*.

3. A person who relinquishes custody of a cat at a location in which the person does not hold a legal or equitable interest, if previously the person had taken custody of the cat at the same location and provided for the cat's sterilization by a veterinarian.

**SECTION 4. SECTION ADDED.** Chapter 55 of the Code of Ordinances of the City of Missouri Valley, Iowa, is amended by adding a new Section 55.18 which is hereby adopted to read as follows:

**55.18 TAMPERING WITH A RABIES VACCINATION TAG.** It is unlawful to tamper with a rabies vaccination tag.

*(Code of Iowa, Sec. 351.45)*

1. A person commits the offense of tampering with a rabies vaccination tag if all of the following apply:

A. The person knowingly removes, damages, or destroys a rabies vaccination tag as described in Section 351.35 of the *Code of Iowa*.

B. The rabies vaccination tag is attached to a collar worn by a dog, including as provided in Sections 351.25 and 351.26 of the *Code of Iowa*.

2. This section shall not apply to an act taken by any of the following:

- A. The owner of the dog, an agent of the owner, or a person authorized to take action by the owner.
- B. A peace officer.
- C. A veterinarian.
- D. An animal shelter or pound.

**SECTION 5. SECTION ADDED.** Chapter 55 of the Code of Ordinances of the City of Missouri Valley, Iowa, is amended by adding a new Section 55.19 which is hereby adopted to read as follows:

**55.19 TAMPERING WITH AN ELECTRONIC HANDLING DEVICE.** It is unlawful to tamper with an electronic handling device.

*(Code of Iowa, Sec. 351.46)*

- 1. A person commits the offense of tampering with an electronic handling device if all of the following apply:
  - A. The person knowingly removes, disables, or destroys an electronic device designed and used to maintain custody or control of the dog or modify the dog's behavior.
  - B. The electronic device is attached to or worn by the dog or attached to an item worn by the dog, including (but not limited to) a collar, harness, or vest.
- 2. This section shall not apply to an act taken by any of the following:
  - A. The owner of the dog, an agent of the owner, or a person authorized to take action by the owner.
  - B. A peace officer.
  - C. A veterinarian.
  - D. An animal shelter or pound.

**SECTION 6. 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 7. 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 \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, and approved this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

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

ATTEST:

\_\_\_\_\_  
Jodie Flaherty, City Administrator

1<sup>st</sup> reading: 9-15-2020

2<sup>nd</sup> reading: \_\_\_\_\_

3<sup>rd</sup> reading: \_\_\_\_\_

I certify that the foregoing was published as Ordinance # \_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Jodie Flaherty, City Administrator

## **ORDINANCE #558**

### **AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF MISSOURI VALLEY, IOWA, BY AMENDING PROVISIONS PERTAINING TO TOBACCO USE**

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

**SECTION 1. SECTION MODIFIED.** Section 46.02 of the Code of Ordinances of the City of Missouri Valley, Iowa, is repealed and the following adopted in lieu thereof:

**46.02 CIGARETTES AND TOBACCO.** It is unlawful for any person under 21 years of age to smoke, use, possess, purchase, or attempt to purchase any tobacco, tobacco products, alternative nicotine products, vapor products, or cigarettes. Possession of tobacco, tobacco products, alternative nicotine products, vapor products, or cigarettes by an individual under 21 years of age shall not constitute a violation of this section if the individual under 21 years of age possesses the tobacco, tobacco products, alternative nicotine products, vapor products, or cigarettes as part of the person's employment and said person is employed by a person who holds a valid permit under Chapter 453A of the *Code of Iowa* or who lawfully offers for sale or sells cigarettes or tobacco products.

*(Code of Iowa, Sec. 453A.2)*

**SECTION 2. SECTION MODIFIED.** Section 121.07 of the Code of Ordinances of the City of Missouri Valley, Iowa, is repealed and the following adopted in lieu thereof:

**121.07 PERSONS UNDER LEGAL AGE.** A person shall not sell, give, or otherwise supply any tobacco, tobacco products, alternative nicotine products, vapor products, or cigarettes to any person under 21 years of age. The provision of this section includes prohibiting a person under 21 years of age from purchasing tobacco, tobacco products, alternative nicotine products, vapor products, and cigarettes from a vending machine. If a retailer or employee of a retailer violates the provisions of this section, the Council shall, after written notice and hearing, and in addition to the other penalties fixed for such violation, assess the following:

1. For a first violation, the retailer shall be assessed a civil penalty in the amount of \$300.00. Failure to pay the civil penalty as ordered under this subsection shall result in automatic suspension of the permit for a period of 14 days.
2. For a second violation within a period of two years, the retailer shall be assessed a civil penalty in the amount of \$1,500.00 or the retailer's permit shall be suspended for a period of 30 days. The retailer may select its preference in the penalty to be applied under this subsection.
3. For a third violation within a period of three years, the retailer shall be assessed a civil penalty in the amount of \$1,500.00 and the retailer's permit shall be suspended for a period of 30 days.

4. For a fourth violation within a period of three years, the retailer shall be assessed a civil penalty in the amount of \$1,500.00 and the retailer's permit shall be suspended for a period of 60 days.
5. For a fifth violation within a period of four years, the retailer's permit shall be revoked.

The Clerk shall give 10 days' written notice to the retailer by mailing a copy of the notice to the place of business as it appears on the application for a permit. The notice shall state the reason for the contemplated action and the time and place at which the retailer may appear and be heard.

*(Code of Iowa, Sec. 453A.2, 453A.22 and 453A.36[6])*

**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 on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, and approved this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

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

ATTEST:

\_\_\_\_\_  
Jodie Flaherty, City Administrator

1<sup>st</sup> reading: 9-15-2020

2<sup>nd</sup> reading: \_\_\_\_\_

3<sup>rd</sup> reading: \_\_\_\_\_

I certify that the foregoing was published as Ordinance # \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Jodie Flaherty, City Administrator

**ORDINANCE #559**

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF MISSOURI VALLEY, IOWA, BY AMENDING PROVISIONS PERTAINING TO STANDARD PENALTY**

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

**SECTION 1. SECTION MODIFIED.** Section 1.14 of the Code of Ordinances of the City of Missouri Valley, Iowa, is repealed and the following adopted in lieu thereof:

**1.14 STANDARD PENALTY.** Unless another penalty is expressly provided by this Code of Ordinances for violation of any particular provision, section, or chapter, any person failing to perform a

duty required by this Code of Ordinances or otherwise violating any provision of this Code of Ordinances or any rule or regulation adopted herein by reference shall, upon conviction, be subject to a fine of at least \$105.00 but not to exceed \$855.00. The court may order imprisonment not to exceed 30 days in lieu of a fine or in addition to a fine.

*(Code of Iowa, Sec. 364.3[2] and 903.1[1a])*

**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 by the Council on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, and approved this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

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

ATTEST:

\_\_\_\_\_  
Jodie Flaherty, City Administrator

1st reading: 9-15-2020

2<sup>nd</sup> reading: \_\_\_\_\_

3<sup>rd</sup> reading: \_\_\_\_\_

I certify that the foregoing was published as Ordinance # \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Jodie Flaherty, City Administrator

**RESOLUTION 20-31**

**RESOLUTION APPROVING STREET FINANCE REPORT  
FOR FISCAL YEAR 2019-2020**

**WHEREAS**, the City Council of the City of Missouri Valley, Iowa, has reviewed and agrees with the Iowa Department of Transportation (IDOT) Street Finance Report from all sources for street purposes.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Missouri Valley, Iowa, that the attached IDOT 2020 Street Finance Report is approved and the City Clerk is authorized to sign same.

**PASSED AND APPROVED** this 15<sup>th</sup> day of September, 2020.

\_\_\_\_\_  
Sherman Struble, Mayor Pro-Tem

Attest:

\_\_\_\_\_  
Jodie Flaherty, City Administrator

Street Finance Report for Missouri Valley 2020

Expenses	General Fund Streets (001)	Special Revenues		Debt Service (200)	Capital Projects (300)	Utilities (600 & Up)	Grand Total
		Road Use (110)	Other				
Salaries - Roads/Streets		\$168,278					\$168,278
Benefits - Roads/Streets			\$120,424				\$120,424
Building & Grounds Maint. & Repair			\$6,175				\$6,175
Vehicle & Office Equip Operation and Repair		\$11,009					\$11,009
Operational Equipment Repair		\$18,860	\$33,068				\$51,928
Other Maintenance and Repair	\$1,598	\$32,177					\$33,725
Engineering	\$26,242		\$153,722		\$72,578		\$252,542
Insurance		\$7,817					\$7,817
Rents & Leases		\$2,599					\$2,599
Other Contract Services		\$2,500	\$102,237		\$392,824		\$497,561
Minor Equipment Purchases		\$2,950					\$2,950
Other Supplies		\$22,178	\$6,490		\$217		\$28,885
Heavy Equipment		\$7,450					\$7,450
Principal Payment				\$219,000			\$219,000
Interest Payment				\$32,284			\$32,284
Bond Registration Fees				\$801			\$801
Transfer Out			\$100,000				\$100,000
Street Lighting		\$25,522					\$25,522
Traffic Control/Safety	\$4,523						\$4,523
Snow Removal	\$15,285		\$1,526				\$16,811
Depreciation & Building Utilities		\$4,593					\$4,593
Total	\$47,648	\$305,883	\$523,642	\$252,085	\$465,619	\$0	\$1,594,877



Street Finance Report for Missouri Valley 2020

Revenues	General Fund Streets (001)	Special Revenues		Debt Service (200)	Capital Projects (300)	Utilities (600 & Up)	Grand Total
		Road Use (110)	Other				
Levied on Property	\$43,066		\$121,950	\$152,085			\$317,101
Other Taxes (Hotel, LOST)			\$39,243				\$39,243
Federal Grants			\$111,579				\$111,579
State Revenues - Road Use Taxes		\$364,792					\$364,792
Charges/fees	\$4,161						\$4,161
Contributions	\$421				\$901,185		\$901,606
Transfer In				\$100,000			\$100,000
<b>Total</b>	<b>\$47,648</b>	<b>\$364,792</b>	<b>\$272,772</b>	<b>\$252,085</b>	<b>\$901,185</b>	<b>\$0</b>	<b>\$1,838,482</b>

Street Finance Report for Missouri Valley 2020

Bond/Loan Description	Principal Balance As of 7/1	Total Principal Paid	Total Interest Paid	Principal Roads	Interest Roads	Principal Balance As of 6/30
2012A	\$1,635,000	\$190,000	\$40,685	\$19,000	\$4,068	\$1,445,000
2012C	\$830,000	\$200,000	\$15,185	\$200,000	\$15,185	\$630,000
2017 (5th)	\$885,000	\$0	\$19,162	\$0	\$13,031	\$885,000

Street Finance Report for Missouri Valley 2020

Summary	General Fund Streets (001)	Special Revenues		Debt Service (200)	Capital Projects (300)	Utilities (600 & Up)	Grand Total
		Road Use (110)	Other				
Beginning Balance		\$196,438		\$3,271			\$199,709
Expense	\$47,648	\$305,883	\$523,642	\$252,085	\$465,619		\$1,594,877
Revenue	\$47,648	\$364,792	\$272,772	\$252,085	\$901,185		\$1,838,482
Ending Balance		\$255,347	-\$250,870	\$3,271	\$435,566		\$443,314

Resolution Number:  
 Execution Date:  
 Signature:

Street Finance Report for Missouri Valley 2020

Description	Model Year	Usage Type	Cost	Purchased Status
Caterpillar 120G motor grader	1975	Purchased	\$22,750	No Change
416-Caterpillar Backhoe Motor Tractor	1989	Purchased	\$24,000	No Change
Freightliner Dump Truck	1993	Purchased	\$22,500	No Change
Ingersoll-Rand Air Compressor MDL P100WF	1990	Purchased	\$7,500	No Change
International Water Truck	1988	Purchased	\$8,000	No Change
Ford F250 4x4 Pickup	2016	Purchased	\$33,600	No Change
International Dumptruck/Snow Plow	2007	Purchased	\$85,429	No Change
International Dumptruck/Snow Plow	2004	Purchased	\$64,322	No Change
Caterpillar 924G Loader	2005	Purchased	\$103,350	No Change
Chevrolet 1-ton Truck	2013	Purchased	\$31,195	No Change
Case International 75C Tractor	2014	Purchased	\$25,000	No Change
Elgin Pelican NP Dual Gutter Brooms	2017	Purchased	\$187,037	No Change
Caterpillar 262D Skid Steer	2018	Purchased	\$32,436	No Change

Street Finance Report for Missouri Valley 2020

Project Description	Contract Price	Final Price	Contractor Name
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No projects found