

**CITY OF MISSOURI VALLEY
CITY COUNCIL MEETING
MISSOURI VALLEY PUBLIC LIBRARY
TELECONFERENCE
TUESDAY, JANUARY 19, 2021**

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, Ford, Pfouts, Struble, and Stueve. Also present: Jim Olmsted and Jake Zimmer.

The Pledge of Allegiance was recited.

There were no Mayor or Council comments.

Motion by Pfouts, seconded by Stueve to approve the agenda for the January 19, 2021 meeting. Motion carried unanimously.

Motion by Pfouts, seconded by Ford to approve the following items on the consent agenda: a) Minutes from January 5, 2021 City Council Meeting and January 12, 2021 Special Council Meeting b) Claims list c) City Administrator's Financial Report. Motion carried unanimously.

Shelia Phillips inquired about the City's Snow Emergency plan.

Jim Olmsted gave an update on current projects. They are ready to go out to bid for the Willow Park Project. Council would like Olmsted to create a mailer and distribute it to the residents in the Willow Park area. He will also send City Hall a map to put on their website. Citizens can submit questions to City Hall and they will relay the questions to Olmsted for him to answer. Motion by Pfouts, seconded by Stueve to authorize Olmsted to go out to bid for the Willow Park Project.

Olmsted and Flaherty are working on the USDA funding application for the Interstate Watermain Replacement Project. Flaherty has been in contact with the DOT and Army Corps about the levee projects. She received estimated costs from DA Davidson and would like to have Nate Summers present the information at a Workshop. Olmsted also stated that he and Flaherty had a meeting with the County in regards to the Canal Street bridge. It would be a 50/50 share and the County is willing to help the City apply for grants.

Christine Leusink with the Siouxland Coalition against Human Trafficking read the Proclamation for National Slavery and Human Trafficking Prevention Month and asked Council to authorize the Mayor to sign the Proclamation. She would like Council to look at and consider the US Institute Against Human Trafficking Program. She will send more information to the Council. Leusink also inquired if the City had any ordinances banning adult bookstores and strip club. Struble stated the City does not but would look at any information Leusink can provide.

Flaherty asked Council for clarification on Department Head Reports. Council agreed that Department Heads will only attend meetings when asked and that reports can be sent to Council monthly.

Flaherty stated the Building Inspector has resigned. Council would like to advertise for the position. In the interim, they would like the Police Department to help with Code Enforcement and ask SWIPCO to help with the Building Inspections.

Discussion was held on the camping rules. Council would like to allow tent camping. Flaherty will send the draft rules to the City Attorney for his approval.

Motion by Stueve, seconded by Ford to allow the disposal of Fire Department Equipment and Scrap Metal. Motion carried unanimously.

Motion by Pfouts, seconded by Ford to authorize the Mayor to Sign Letter from PeopleService Acknowledging the Annual Adjustment for Services in Accordance with the Operations and Maintenance Agreement. Motion carried unanimously.

Discussion was held on the proposed portable storage building for Watson Station. Mark Warner stated the board only requested one bid and it was from Wheeldon Construction. Warner checked prices and the Board drew their own specifications for the project. They believe the bid was very competitive. The Board received grant money for the project. Ford believes since Wheeldon Construction was the only company sought out, it was a conflict of interest due to Wheeldon being the Building Inspector at the time. Motion by Dooley, seconded by Stueve to allow Watson Station to build a portable storage building by Wheeldon Construction in the Amount of \$6,800.00. Roll call: Ayes: Dooley, Stueve, Struble, Pfouts Nays: Ford. Motion carried on a 4-1 vote.

Resolution #21-04 was introduced Approving the Transfer of Funds from LOST to Capital Projects. Motion by Pfouts, seconded by Stueve. Motion carried unanimously.

Resolution #21-05 was introduced to Set a Public Hearing on February 16, 2021 at 6 p.m. to Consider Entering into a Ground Lease with USCOC of Greater Iowa, LLC ("USCOC", Herein) for the Purpose of USCOC Utilizing City of Missouri Valley Real Property to Construct, Operate and Maintain a Communications Antenna Tower Together with all Necessary Equipment for the Transmission, Voice and Data Signals. Motion by Pfouts, seconded by Stueve. Motion carried unanimously.

Ordinance #563 was introduced Amending the Code of Ordinances of the City of Missouri Valley, Iowa, by Amending Provisions Pertaining to Water Service System. Motion by Pfouts, seconded by Stueve to waive the 3rd reading. Motion carried unanimously. Motion by Pfouts, seconded by Stueve to adopt Ordinance #563. Motion carried unanimously.

Ordinance #564 was introduced Amending the Code of Ordinances of the City of Missouri Valley, Iowa, by Amending Provisions Pertaining to Water Meters. Motion by Pfouts, seconded by Stueve

to waive the 3rd reading. Motion carried unanimously. Motion by Pfouts, seconded by Stueve to adopt Ordinance #564. Motion carried unanimously.

Ordinance #565 was introduced Amending the Code of Ordinances of the City of Missouri Valley, Iowa, by Amending Provisions Pertaining to Water Rates. Motion by Pfouts, seconded by Stueve to waive the 3rd reading. Motion carried unanimously. Motion by Pfouts, seconded by Stueve to adopt Ordinance #565. Motion carried unanimously.

Ordinance #566 was introduced amending the Code of Ordinances of the City of Missouri Valley, Iowa, by Amending Provisions Pertaining to Building Sewers and Connections. Motion by Stueve, seconded by Pfouts to waive the 3rd reading. Motion carried unanimously. Motion by Stueve, seconded by Pfouts to adopt Ordinance #566. Motion carried unanimously.

Discussion was held on Sewer Service Charges. Council would like to see what the billing would be for non-residential users comparing average usage to actual consumption. Flaherty will prepare comparisons for Council to review.

Ordinance #567 was introduced amending the Code of Ordinances of the City of Missouri Valley, Iowa, by Amending Provisions Pertaining to Sewer Service Charges. Motion by Pfouts, seconded by Stueve to waive the 3rd reading. Motion carried unanimously. Motion by Pfouts, seconded by Stueve to adopt Ordinance #567. Motion carried unanimously.

Ordinance #568 was introduced amending the Code of Ordinances of the City of Missouri Valley, Iowa, Adopting Building Codes to Regulate and Govern the Conditions of all Property, Buildings, and Structures. Motion by Stueve, seconded by Pfouts to waive the 3rd reading. Motion carried unanimously. Motion by Stueve, seconded by Pfouts to adopt Ordinance #568. Motion carried unanimously.

Discussion was held on updating the Parking Regulation Ordinance. Council would like to see no parking on the west side of North 7th Street between East Superior Street and East Huron Street. Council would like Flaherty to contact the City Attorney to draft the ordinance.

Flaherty would like Council to hold a special meeting to discuss the budget, set a max levy public hearing, and have DA Davidson present the City's proposed financials. Council would like the meeting to be held on Tuesday, January 26, 2021 at 6 p.m. Flaherty stated the Street Department looked at the pool pea gravel area. They can fill in with concrete for less than \$7,000.00. Flaherty stated at the last meeting two Council members stated they would like the Property, Liability, and Work Comp insurance to stay local. Flaherty asked Council to clarify how the City should proceed with bids. Council agreed to continue to go out to bid with multiple agents.

There were no Mayor comments.

Motion by Stueve, seconded by Dooley to adjourn at 7:27 p.m. Roll Call: Ayes: Stueve, Dooley, Ford, Struble Nays: Pfouts. Motion carried on a 4-1 vote.

Sherman Struble, Mayor Pro-Tem

Attest: Jodie Flaherty, City Administrator

RESOLUTION 21-04

**RESOLUTION APPROVING THE TRANSFER OF FUNDS
FROM LOST TO CAPITAL PROJECTS**

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

That the City Clerk is hereby authorized to transfer funds from FY 20/21 in the amount of \$200,000.00 from the LOST to Capital Projects Fund to reimburse expenses incurred from the 2020 Projects.

LOST (121) to 2020 Projects (304) \$200,000.00 (Booster Station/Reservoir Repairs)

Passed and approved this 19th day of January, 2021.

Sherman Struble, Mayor Pro-Tem

ATTEST:

Jodie Flaherty, City Administrator

RESOLUTION 21-05

RESOLUTION TO SET A PUBLIC HEARING TO CONSIDER ENTERING INTO A GROUND LEASE WITH USCOC OF GREATER IOWA, LLC (“USCOC”, HEREIN) FOR THE PURPOSE OF USCOC UTILIZING CITY OF MISSOURI VALLEY REAL PROPERTY TO CONSTRUCT, OPERATE AND MAINTAIN A COMMUNICATIONS ANTENNA TOWER TOGETHER WITH ALL NECESSARY EQUIPMENT FOR THE TRANSMISSION, VOICE AND DATA SIGNALS.

WHEREAS, the City of Missouri Valley has been advanced a Ground Lease by USCOC of Greater Iowa, LLC, to lease City of Missouri Valley real estate legally described as follows:

A tract of land in Out Lot D of Second Longview Addition to the City of Missouri Valley, Harrison County, Iowa. Commencing at the Southeast Corner of Out Lot B of said addition; thence North 88°41’00” West, along the South line of said addition 615.41 feet; thence North 0°36’13” East 132.72 feet; thence South 88°41’00” East, 150.22 feet; thence North 0°36’54” East, along the East line of said Out Lot D, 179.46 feet; thence North 88°41’00” West 102.89 feet to the point of

beginning; thence South 0°16'06" West 50.00 feet; thence South 88°41'00" East 40.00 feet; thence North 1°16'06" East 50.00 feet; thence North 88°41'00" West, 40.00 feet to the point of beginning and containing 0.05 acres (2,000 S.F.), more or less.

Proposed Access/utility Easement:

A tract of land in Out Lot D of Second Longview Addition to the City of Missouri Valley, Harrison County, Iowa. Commencing at the Southeast Corner of Out Lot B of said addition thence North 88°41'00" West along the South line of said addition 615.41 feet; thence North 0°36'13" East, 132.72 feet; thence South 88°41'00" East, 150.22 feet; thence North 0°36'54" East, along the East line of said Out Lot D, 179.46 feet thence North 88°41'00" West, 102.89 feet to the point of beginning; thence South 0°16'06" West 50.00 feet to the point of beginning; thence South 0°16'06" West, 17.00 feet; thence North 88°40'25" East, 5.40 feet; thence South 0°16'34" West, 20.00 feet; thence South 88°40'25" East 25.05 feet; thence North 1°16'06" East, 37.00 feet; thence North 88°41'00" West, 20.00 feet to the point of beginning and containing 0.02 acres (844 S.F.), more or less.

WHEREAS, the above-described property will be utilized to construct, operate, access and maintain a communications antenna tower together with all necessary equipment for the transmission, voice and data signals, and

WHEREAS, the term of the lease is five (5) years commencing October 11, 2025, and shall automatically renew for up to five (5) additional terms of five (5) years each unless the City terminates the agreement per the lease terms, and

WHEREAS, USCOC shall pay monthly rent of \$3,370.88 under the terms of the lease.

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

That the date of February 17, 2021, at 6:00 p.m. in the Missouri Valley Public Library located at 420 East Huron Street, Missouri Valley, Iowa, be scheduled for the public hearing to consider and approve this sale and notice of said hearing to be published in accordance with §362.3 and §364.7 of the Code of Iowa.

PASSED AND APPROVED this 19th day of January, 2021.

Sherman Struble, Mayor Pro-Tem

ATTEST:

Jodie Flaherty, City Administrator

ORDINANCE #563

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF MISSOURI VALLEY, IOWA, BY AMENDING PROVISIONS PERTAINING TO WATER SERVICE SYSTEM

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

SECTION 1. SECTION MODIFIED. Section 90.13 of the Code of Ordinances of the City of Missouri Valley, Iowa, is repealed and the following adopted in lieu thereof:

90.13 FAILURE TO MAINTAIN.

When any portion of the water service pipe, which is the responsibility of the property owner, becomes defective or creates a nuisance and the owner fails to correct such nuisance within three (3) days of discovery, the City may do so and assess the costs thereof to the property.

(Code of Iowa, Sec. 364.12[3a & h])

SECTION 2. NEW SECTION. The Code of Ordinances of the City of Missouri Valley, Iowa, is amended by adding a new Section 90.20 which is hereby adopted to read as follows:

90.20 TAMPERING.

No tampering is allowed on any portion of the utility infrastructure. Any form of tampering with the public water supply shall constitute water theft, unauthorized consumption, unmetered consumption, and/or a threat to public health and safety. The City may bring an enforcement action against those parties who use the public water supply in the manner set forth herein.

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 19th day of January, 2021, and approved this 19th day of January, 2021.

Sherman Struble, Mayor Pro-Tem

ATTEST:

Jodie Flaherty, City Administrator

1st reading: 01-05-2021

2nd reading: 01-19-2021

3rd reading: Waived

Published: 01-27-2021

I certify that the foregoing was published as Ordinance #563 on the 27th day of January, 2021.

Jodie Flaherty, City Administrator

ORDINANCE #564

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF MISSOURI VALLEY, IOWA, BY AMENDING PROVISIONS PERTAINING TO WATER METERS

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

SECTION 1. SECTION MODIFIED. Sections 91.02, 91.06, 91.07, 91.08, 91.09, 91.10, and 91.12 of the Code of Ordinances of the City of Missouri Valley, Iowa, are repealed and the following adopted in lieu thereof:

91.02 WATER USE METERED.

All water furnished customers shall be measured through meters furnished by the City and installed by a plumber, with the exception of those meters used for separate metering purposes as described in Section 91.03 and Section 91.12 of this chapter.

91.06 LOCATION OF METERS.

All meters shall be so located that they are easily accessible to meter readers and repairmen and protected from freezing.

91.07 METER SETTING.

The property owner shall provide all necessary piping and fittings for proper setting of the meter including a valve on the discharge side of the meter. Meter pits may be used only upon approval of the Superintendent and shall be of a design and construction approved by the Superintendent.

91.08 METER COSTS.

The full cost of any meter larger than that required for a single-family residence shall be paid to the City by the property owner or customer prior to the installation of any such meter by the City, or, at the sole option of the City, the property owner or customer may be required to purchase and install such meter in accordance with requirements established by the City.

91.09 METER REPAIRS.

Whenever a water meter owned by the City is found to be out of order the Superintendent shall have it repaired. If it is found that damage to the meter has occurred due to the carelessness or negligence of the customer or property owner, or the meter is not owned by the City, then the property owner shall be liable for the cost of repairs.

91.10 RIGHT OF ENTRY.

The Superintendent shall be permitted to enter the premises of any customer at any reasonable time to read, remove, or change a meter.

91.12 METER ACCURACY AND TEST.

The Superintendent shall make a test of the accuracy of any water meter at any time when requested in writing. If the meter is found to overrun to the extent of two percent (2%) or more, the cost of the test shall be paid by the City and a refund shall be made to the customer for overcharges collected since the last known date of accuracy but not for longer than six months. If the meter is found to be accurate or slow, or less than 2% fast, the customer shall pay the reasonable costs of the tests. Every meter shall be removed from service at least once each year and thoroughly tested for accuracy. Any meter found inaccurate beyond a tolerance of 2% shall not be returned to service until properly adjusted.

SECTION 2. NEW SECTION. The Code of Ordinances of the City of Missouri Valley, Iowa, is amended by adding new Sections 91.03, 91.04, 91.05, 91.11, and 91.13 which are hereby adopted to read as follows:

91.03 SEPARATE METER FOR OUTSIDE WATERING. A customer may add a second water meter for the purpose of measuring water to be used from outside faucets and for outside watering. The meter must be installed where it measures only the water on outside faucets on the premises being served and the location of such meter must be approved and inspected by the Superintendent. The meter must be purchased at City Hall and the cost of the meter and its installation shall be at the expense of the customer.

91.04 FIRE SPRINKLER SYSTEMS – EXCEPTION. Fire sprinkler systems may be connected to water mains by direct connection without meters under the direct supervision of the Superintendent. No open connection can be incorporated in the system, and there shall be no valves except a main control valve at the entrance to the building which must be sealed open.

91.05 PUBLIC HYDRANTS.

All hydrants erected for the purpose of extinguishing fires are hereby declared to be public hydrants, and no person, except members of the Fire Department and/or, City employees– and then only in the exercise of authority delegated by said Council – shall open any of said hydrants or attempt to draw water from the same, or at any time attempt to undercover or remove protection from or in any manner interfere with any of the hydrants.

91.11 METER READING UNOBTAINABLE. Where a meter has ceased to register, or meter reading could not be obtained, the quantity of water consumed for billing purposes will be based upon an average of the prior six months consumption and the conditions of water service prevailing during the period in which the meter failed to register. The City will notify the property owner and schedule an appointment to read or have the meter repaired.

91.13 METERED HYDRANT WATER SALES.

Water furnished by hydrant will be measured by meter and shall be billed accordingly to Section 92.02, the minimum deposit being eighteen dollars (\$18.00). Water so supplied shall be discharged through a hose or pipe directly into a barrel or other container (with proper Air Gap), and in no case upon the ground or into or through a ditch or trench and all use of water by other than applicant or use of water for any purpose or upon any premises not so stated or described in the application must be prevented by the applicant or water service may be discontinued without notice.

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 19th day of January, 2021, and approved this 19th day of January, 2021.

Sherman Struble, Mayor Pro-Tem

ATTEST:

Jodie Flaherty, City Administrator

1st reading: 01-05-2021

2nd reading: 01-19-2021

3rd reading: Waived

Published: 01-27-2021

I certify that the foregoing was published as Ordinance #564 on the 27th day of January, 2021.

Jodie Flaherty, City Administrator

ORDINANCE #565

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF MISSOURI VALLEY, IOWA, BY AMENDING PROVISIONS PERTAINING TO WATER RATES

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

SECTION 1. SECTION MODIFIED. Sections 92.02, 92.05, 92.09, and 92.11 of the Code of Ordinances of the City of Missouri Valley, Iowa, are repealed and the following adopted in lieu thereof:

92.02 RATES FOR SERVICE.

Water service shall be furnished at the following monthly rates within the City:

(Code of Iowa, Sec. 384.84)

1. For the first 1,000 gallons or fraction thereof – \$12.60 within the City limits and \$18.90 for service outside the City limits – minimum monthly charge.
2. For each additional 1,000 gallons or fraction thereof – \$5.09 per 1,000 gallons within the City limits and \$7.14 per 1,000 gallons for service outside the City limits.
3. Seasonal Water Meters shall be billed monthly from May to October using the above schedule. Seasonal Water Meters are intended for measuring water to be used from outside faucets and for outside watering.
4. Metered Hydrant Water Sales shall be billed at the following rates:

- a. For the first 1,000 gallons or fraction thereof – \$18.00
- b. For each additional 1,000 gallons or fraction thereof – \$6.80 per 1,000 gallons

92.05 SERVICE DISCONTINUED.

Water service to delinquent customers shall be discontinued or disconnected in accordance with the following:

(Code of Iowa, Sec. 384.84)

1. Notice. The Clerk shall notify each delinquent customer that service will be discontinued or disconnected if payment of the combined service account, including late payment charges. Such notice shall be sent by ordinary mail to the customer in whose name the delinquent charges were incurred and shall inform the customer of the nature of the delinquency and afford the customer the opportunity for a hearing prior to the discontinuance or disconnection. If the bill, including late payment charges, is not received within seven (7) days after the sending of said notice, a 24-hour shutoff notice will be posted on the customer's property and shall result in a \$15.00 trip charge.
2. Notice to Landlords. If the customer is a tenant, and if the owner or landlord of the property or premises has made a written request for notice, the notice of delinquency shall also be given to the owner or landlord. If the customer is a tenant and requests a change of name for service under the account, such request shall be sent to the owner or landlord of the property if the owner or landlord has made a written request for notice of any change of name for service under the account to the rental property.
3. Hearing. If a hearing is requested by noon of the day preceding the shut off, the City Administrator shall conduct an informal hearing and shall make a determination as to whether the discontinuance or disconnection is justified. The customer has the right to appeal the City Administrator's decision to the Council, and if the Council finds that discontinuance or disconnection is justified, then such discontinuance or disconnection shall be made, unless payment has been received.
4. Fees. A fee of \$100.00 shall be charged before service is restored to a delinquent customer, which amount includes a \$30.00 non-refundable reconnect fee, and \$70.00 shall be held as a deposit and refunded to the customer's account upon the completion of one year without a delinquent notice.
5. Disconnection of water service shall be made only after 12:00 noon on any business day Monday through Thursday. There shall be no disconnection of service unless the outside temperature is above 20° F. In the event service has been disconnected because of a delinquent bill, before service can be restored the customer must pay the delinquent bill, the current amount owed and a reconnection charge. If service is restored during the hours of 9:00 a.m. and 3:30 p.m. on any non-holiday Monday through Friday.

92.09 CUSTOMER DEPOSITS.

All applicants for service from the city water system shall be required to fill out an application for services and pay a deposit in the amount of \$100.00 to the Water Department before such water service is supplied. The deposit will be applied to the final bill when the customer notifies the utility of the date the service is to be terminated and provides a forwarding address for use in mailing a refund in the event the final bill is less than the deposit.

(Code of Iowa, Sec. 384.84)

92.11 TEMPORARY VACANCY.

A property owner may request water service be temporarily discontinued and shut off at the curb valve when the property is expected to be vacant for an extended period of time. There shall be a \$35.00 service charge for meter removal, and a \$35.00 service charge for reinstallation. There shall be no service availability charges while service is discontinued as provided herein. During a period when service is temporarily discontinued as provided herein there shall be no minimum service charge. The City will not drain pipes or pull meters for temporary vacancies.

SECTION 2. NEW SECTION. The Code of Ordinances of the City of Missouri Valley, Iowa, is amended by adding a new Section 92.10 which is hereby adopted to read as follows:

92.10 TRANSFER OF ACCOUNT BALANCE.

Charges due or delinquent on closed accounts may be applied to any other account of the same customer.

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 19th day of January, 2021, and approved this 19th day of January, 2021.

Sherman Struble, Mayor Pro-Tem

ATTEST:

Jodie Flaherty, City Administrator

1st reading: 01-05-2021

2nd reading: 01-19-2021

3rd reading: Waived

Published: 01-27-2021

I certify that the foregoing was published as Ordinance #565 on the 27th day of January, 2021.

Jodie Flaherty, City Administrator

ORDINANCE #566

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF MISSOURI VALLEY, IOWA, BY AMENDING PROVISIONS PERTAINING TO BUILDING SEWERS AND CONNECTIONS

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

SECTION 1. SECTION MODIFIED. Sections 96.07, 96.08, 96.09, and 96.10 of the Code of Ordinances of the City of Missouri Valley, Iowa, are repealed and the following adopted in lieu thereof:

96.07 SEWER TAP.

Connection of the building sewer into the public sewer shall be made at the "Y" branch, if such branch is available at a suitable location. If no properly located "Y" branch is available, a saddle "Y" shall be installed at the location specified by the Superintendent. The public sewer shall be tapped with a tapping machine and a saddle appropriate to the type of public sewer shall be glued or attached with a gasket and stainless steel clamps to the sewer. At no time shall a building sewer be constructed so as to enter a manhole unless special written permission is received from the Superintendent and in accordance with the Superintendent's direction if such connection is approved.

96.08 INSPECTION REQUIRED.

No building sewer shall be covered, concealed or put into use until it has been tested, inspected and accepted as prescribed in the Uniform Plumbing Code.

96.09 PROPERTY OWNER'S RESPONSIBILITY.

All costs and expenses incident to the installation, connection and maintenance of the building sewer shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

96.10 ABATEMENT OF VIOLATIONS.

Building sewers, whether located upon the private property of any owner or in the public right-of-way, which are constructed or maintained in violation of any of the requirements of this chapter shall be deemed a nuisance and the same shall be abated by the City in the manner provided for the abatement of nuisances.

(Code of Iowa, Sec. 364.12[3])

SECTION 2. NEW SECTION. The Code of Ordinances of the City of Missouri Valley, Iowa, is amended by adding Section 96.06 which is hereby adopted to read as follows:

96.06 SEPARATE CONNECTIONS.

1. Every building and structure shall be separately and independently connected to the public sanitary sewer.
2. In the case of a duplex or an apartment complex, the Superintendent may authorize the connection of more than one building or structure to the same building sewer if the Superintendent finds that such connection will be satisfactory and convenient for the City and for present and future users of the buildings or structures.
3. The sewer from the building or structure to the connection to the public sanitary sewer shall be constructed and maintained by the owner of the building or structure.
4. When a private sanitary sewer is built to connect with a public sanitary sewer on an adjacent street, it shall be laid according to plans approved by the City Engineer. Private sanitary sewers constructed on public property shall not run more than one hundred fifty feet parallel with the street.

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 19th day of January, 2021, and approved this 19th day of January, 2021.

Sherman Struble, Mayor Pro-Tem

ATTEST:

Jodie Flaherty, City Administrator

1st reading: 01-05-2021
2nd reading: 01-19-2021
3rd reading: Waived
Published: 01-27-2021

I certify that the foregoing was published as Ordinance #566 on the 27th day of January, 2021.

Jodie Flaherty, City Administrator

ORDINANCE #567

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF MISSOURI VALLEY, IOWA, BY AMENDING PROVISIONS PERTAINING TO SEWER SERVICE CHARGES

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

SECTION 1. SECTION MODIFIED. Sections 99.04, 99.05, 99.06, 99.07, and 99.08 of the Code of Ordinances of the City of Missouri Valley, Iowa, are repealed and the following adopted in lieu thereof:

99.02 RATE.

Each customer shall pay sewer service charges in the amount of seventy-seven percent (77%) of the monthly bill for water and water service attributable to the customer for the property served. The 77% charge shall be determined by averaging the water and water services for the months of the preceding January, February, and March and shall be adjusted annually on the date of the bill for the period of April 1 through April 30. Each customer that has sewer service but does not have water service shall pay at a rate equivalent to 77% of the water bill of a customer that uses 2,000 gallons of water per month on average, as metered in the preceding January,

February and March, and said rate shall be adjusted annually on the date of the bill for the period April 1 through April 30.

99.04 SPECIAL RATES.

Where, in the judgment of the Superintendent and the Council, special conditions exist to the extent that the application of the sewer charges provided in Section 99.02 would be inequitable or unfair to either the City or the customer, a special rate shall be proposed by the Superintendent and submitted to the Council for approval by resolution.

(Code of Iowa, Sec. 384.84)

99.05 PRIVATE WATER SYSTEMS.

Customers whose premises are served by a private water system shall pay sewer charges based upon the water used as determined by the City either by an estimate agreed to by the customer or by metering the water system at the customer's expense. Any negotiated or agreed-upon sales or charges shall be subject to approval of the Council.

(Code of Iowa, Sec. 384.84)

99.06 PAYMENT OF BILLS.

All sewer service charges are due and payable under the same terms and conditions provided for payment of a combined service account as contained in Section 92.04 of this Code of Ordinances. Sewer service may be discontinued in accordance with the provisions contained in Section 92.05 if the combined service account becomes delinquent, and the provisions contained in Section 92.07 relating to lien exemptions and Section 92.08 relating to lien notices shall also apply in the event of a delinquent account.

(Ord. 487 –Oct. 12 Supp.)

99.07 LIEN FOR NONPAYMENT.

The owner of the premises served and any lessee or tenant thereof shall be jointly and severally liable for sewer service charges to the premises. Sewer service charges remaining unpaid and delinquent shall constitute a lien upon the premises served and shall be certified by the Clerk to the County Treasurer for collection in the same manner as property taxes.

(Code of Iowa, Sec. 384.84)

99.08 SPECIAL AGREEMENTS PERMITTED.

No statement in these chapters shall be construed as preventing a special agreement, arrangement, or contract between the Council, and any industrial concern whereby an industrial waste of unusual strength or character may be accepted subject to special conditions, rate, and cost as established by the Council.

SECTION 2. NEW SECTION. The Code of Ordinances of the City of Missouri Valley, Iowa, is amended by adding new Sections 99.03 and 99.09 which are hereby adopted to read as follows:

99.03 RE-AVERAGING

A water metered customer who has had a water leak, causing heavy usage during the rate setting months, may with property documentation appeal to the City Council for a rate adjustment within 60 days after the April billing. The City Council will review the customer's usage history to determine if a rate adjustment is warranted. A rate adjustment would defer to the prior year's rate or the rate of the average

customer/household size, whichever is lower. The new rate will become effective with the next month's billing.

99.09 EXEMPTION.

No sewer service charges shall be made for water used from outside faucets and measured through a separate meter pursuant to Section 91.03 of this Code of Ordinances.

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 19th day of January, 2021, and approved this 19th day of January, 2021.

Sherman Struble, Mayor Pro-Tem

ATTEST:

Jodie Flaherty, City Administrator

1st reading: 01-05-2021

2nd reading: 01-19-2021

3rd reading: Waived

Published: 01-27-2021

I certify that the foregoing was published as Ordinance #567 on the 27th day of January, 2021.

Jodie Flaherty, City Administrator

ORDINANCE #568

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF MISSOURI VALLEY, IOWA, ADOPTING BUILDING CODES TO REGULATE AND GOVERN THE CONDITIONS OF ALL PROPERTY, BUILDINGS AND STRUCTURES.

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

SECTION 1. ORDINANCE REPEALED. The City of Missouri Valley, Iowa, is hereby repealing Ordinance 556 which was adopted by the Council on September 15, 2020.

SECTION 2. CHAPTERS REPEALED. The Code of Ordinances of the City of Missouri Valley, Iowa, is hereby amended by repealing Chapter 150 – Residential Code, Chapter 151 – Existing Building Code, Chapter 152 – Plumbing Code, Chapter 153 – Mechanical Code, Chapter 154 – Electrical Code, and Chapter 155 – Fire Code.

SECTION 3. CHAPTER ADDED. The Code of Ordinances of the City of Missouri Valley, Iowa, is hereby amended by adding a new Chapter 150 entitled Building Codes, which is hereby adopted to read as follows:

CHAPTER 150

BUILDING CODES

150.01 Adoption Building Codes

150.02 Amendments

150.01 ADOPTION OF BUILDING CODES. Except as hereinafter added, deleted, modified or amended, there is hereby adopted the 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*

150.02 AMENDMENTS. 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 January 3, 1990, or any other FIRM or amendments thereto adopted by the City Council.

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 19th day of January, 2021, and approved this 19th day of January, 2021.

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