

**CITY OF MISSOURI VALLEY
CITY COUNCIL MEETING
MISSOURI VALLEY PUBLIC LIBRARY
TELECONFERENCE
TUESDAY, MARCH 2, 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: Ford, Stueve, Struble, and Pfouts. Absent: Dooley Sr. Also present: Jim Olmsted, Jake Zimmer, and Bruce Kocher.

The Pledge of Allegiance was recited.

Struble asked if there were any Council comments or additions. Stueve requested and will be 25a.

6:00 p.m. Public Hearing was held on the Plans, Specifications, Form of Contract, and Estimate of Costs for the 2019 Flood Projects-Willow Park Streets & Drainage. There were no written or oral objections. Sally Salter has questions. Olmsted stated he will contact Salter and get her questions answered. Motion by Ford, seconded by Stueve to close the hearing. Motion carried unanimously.

The Bid Opening was held for the 2019 Flood Projects-Willow Park Streets & Drainage. The bids were received as follows:

	Contract A-Streets	Contract B-Ditches/Culverts
Horizon Building Services LLC		\$579,407.95
Midwest Mechanical Industrial		\$547,239.50
Oldcastle Materials Midwest (OMNI)	\$889,438.20	
VRBA Construction	\$981,646.00	\$734,280.00

Olmsted will review the bids and make sure all documents are in order. He will give his recommendation during the project updates.

Motion by Pfouts, seconded by Stueve to approve the agenda for the March 2, 2021 meeting. Motion carried unanimously.

Motion by Ford, seconded by Pfouts to approve the following items on the consent agenda: a) Minutes from February 16, 2021 City Council Meeting b) Claims list c) City Administrator's Financial Report d) Liquor Licenses for Billy C's Papa Joe's. Motion carried unanimously.

There were no inquiries from citizens.

Jeannie Wortman with the Chamber stated the Community Recycle Day is Saturday, March 6, 2021. The School will be holding a Farmers to Family at the High School. The first 150th

Celebration window arrangement is on display. There are Sesquicentennial calendars for sale at multiple locations. Wortman inquired if two areas on the street can be painted. The Chamber will pay for the costs. Council agreed to allow the Chamber to paint the streets. The next two 150th meetings will be on March 11th and March 25th at the Eagle Club from 6 p.m. to 7 p.m.

Library Director Kocher gave the Library report. They had computer coding for kids.

Jim Olmsted reviewed the bids and all of the documents were in order. They recommended awarding the contracts for the 2019 Flood Projects-Willow Park Streets & Drainage to the low bidders. Motion by Stueve, seconded by Ford to award the 2019 Flood Projects-Willow Park contracts to Oldcastle Materials Midwest for the Street Improvements and Midwest Mechanical Industrial for the Ditches and Culverts. Motion carried unanimously.

The tree removal for the 2019 Willow Park Flood Projects was bid separately. The bids were received as follows:

B & K Tree Service	\$19,975.00
CJ's Tree Service	\$50,550.00
J & J Ventures LLC	\$59,975.00

Motion by Stueve, seconded by Pfouts to award the bid for the 2019 Flood Projects-Tree Removal to B & K Tree Service. Motion carried unanimously.

Olmsted stated the start date for the project is up to the contactors. The tree removal will be completed by April 1st. They are currently working on the utility coordination and will be marking property lines later this week. Olmsted is still working on the preliminary engineering report for the USDA application for the Interstate Watermain Replacement project. He is adding the control system upgrade to the application. Flaherty and Olmsted met with SWIPCO. There is a CDGB grant available for the levee and Willow Park project. SWIPCO is looking into the details but the Willow Park project could possibly be covered at 100 percent and the levee project could received funding up to \$250,000.00.

Discussion was held on adding a weight/load restriction in the Willow Park Addition. Council is worried about potential overweight vehicles causing damage to the streets. Olmsted will do more research on a suggested restriction and bring it back to Council.

Discussion was held on the Rural Housing Readiness Assessment Program. Abbie Gaffey with the ISU Extension office went over the project details and stated the cost to the City is \$500.00. Motion by Ford, seconded by Stueve to proceed with the Rural Housing Readiness Assessment Program. Motion carried unanimously.

An Ordinance was introduced amending the Code of Ordinances of the City of Missouri Valley, Iowa, by Amending Provisions Pertaining to Parking Regulations. Motion by Ford, seconded by Pfouts to adopt the 1st reading. Motion carried unanimously.

Ordinance #570 was introduced amending the Code of Ordinances of the City of Missouri Valley, Iowa, by Amending the Electric Franchise. Motion by Ford, seconded by Pfouts to waive the 3rd reading. Motion carried unanimously. Motion by Ford, seconded by Pfouts to adopt the adopt Ordinance #570. Motion carried unanimously.

Ordinance #571 was introduced amending the Code of Ordinances of the City of Missouri Valley, Iowa, by Amending the Natural Gas Franchise. Motion by Ford, seconded by Pfouts to adopt the 3rd reading. Motion carried unanimously. Motion by Ford, seconded by Pfouts to adopt the adopt Ordinance #571. Motion carried unanimously.

An Ordinance was introduced amending Chapter 55 of the Code of Ordinances of Missouri Valley, Iowa, Pertaining to Animal Protection and Control, by Adding a New Section 55.18 Title at Large Penalty. Motion by Pfouts, seconded by Stueve to adopt the 1st reading. Motion carried unanimously.

Motion Stueve, seconded by Pfouts to order no parking signs and posts for the Willow Park addition. Motion carried unanimously.

Discussion was held on the City Hall/Fire Station roof. Flaherty received bids from 3 contractors. All of contractors supplied proposals for the replacement and one for repairs. Motion by Pfouts, seconded by Stueve to approve the proposal from Elevate Roofing with the addition of the alternate for additional insulation, in the amount of \$41,538.00. Motion carried unanimously.

Motion by Pfouts, seconded by Stueve to approve the installation of two street lights on East First Avenue. Motion carried unanimously.

Motion by Stueve, seconded by Pfouts to set the Public Hearing for FY 20/21 Budget Amendment #2 for April 6, 2021 at 6 p.m. Motion carried unanimously.

Discussion was held on the Property, Liability, and Workers Compensation bids. Council would like to have the agents present at the March 16th meeting and then will schedule a special meeting to review numbers.

Discussion was held on reopening City Facilities. Ford would like to open the facilities. Stueve and Struble would like to wait and review at the April 6th Council meeting. Motion by Stueve, seconded by Struble to keep City facilities closed. Roll call: Ayes: Stueve, Struble, Pfouts. Nays: Ford. Motion carried on a 3-1 vote.

Stueve inquired about park camping rules, Safety Committee meetings, and offered to help with Building Inspector interviews.

There were no City Administrator comments.

There were no Mayor comments.

Motion by Pfouts, seconded by Stueve to enter closed session at 7:16 p.m. per IA Code 21.5(1)(j) to discuss the sale of real estate. Motion carried unanimously.

Motion by Pfouts, seconded by Ford to return to open session at 7:36 p.m. with no action taken. Motion carried unanimously.

Motion by Stueve, seconded by Pfouts to enter into closed session at 7:37 p.m. per IA Code 21.5(1)(i) to evaluate the professional competency of an individual whose appointment, hiring, performance, or discharge is being considered when necessary to prevent needless and irreparable injury to that individual's reputation and that individual requests a closed session. Motion carried unanimously.

Motion by Pfouts, seconded by Stueve to return to open session at 7:45 p.m. with no action taken. Motion carried unanimously.

Motion by Ford, seconded by Stueve to adjourn at 7:45 p.m. Roll call: Ayes: Ford, Stueve, Struble. Nays: Pfouts. Motion carried on a 3-1 vote.

Sherman Struble, Mayor Pro-Tem

Attest: Jodie Flaherty, City Administrator

ORDINANCE # _____

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

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

SECTION 1. SECTION MODIFIED. Section 69.08 of the Code of Ordinances of the City of Missouri Valley, Iowa, are repealed and the following adopted in lieu thereof:

69.08 NO PARKING ZONES.

No one shall stop, stand or park a vehicle in any of the following specifically designated no parking zones except when necessary to avoid conflict with other traffic or in compliance with the direction of a peace officer or traffic control signal.

(Code of Iowa, Sec. 321.236[1])

1. Ninth Street, on the east side, from Erie Street to Superior Street;
2. Superior Street, on the north side, from Ninth Street to Eighth Street;
3. Eighth Street from Huron Street to Superior Street;
4. Third Street from Erie Street to Summit Street;

5. Sixth Street from Huron Street to Maple Street and the east side of Sixth Street from Maple Street to Grove Street;
6. Ninth Street from Erie Street to Canal Street;
7. Ninth Street, on the west side, from North Street to Elm Street;
8. Huron Street from Harrison Street to Willow Street;
9. Fourth Street, on the east side, from Huron Street to Linn Street;
10. Fourth Street, on the east side, from Huron Street to Summit Street;
11. Fifth Street, on the east side, from Huron Street to St. Clair Street and from Linn Street to Summit Street; and on the west side, from St. Clair Street to Lin Street.
12. First Street from Erie Street to Spring Street (north corporate limits);
13. North Street from Ninth Street to Elm Street;
14. Michigan Street, on the south side, from First Street to Seventh Street;
15. Superior Street, on the south side, from Eighth Street to Fourth Street;
16. St. Clair Street, on the north side, from Third Street north 60 feet, and on the south side between Third Street and Fourth Street;
17. St. Clair Street, on the south side, from Sixth Street to Seventh Street;
18. Ontario Street, on the south side, from Fifth Street to Ninth Street;
19. Beacon Avenue, on the east side, from Superior Street south to the alley;
20. St. Clair Street, on the south side, from Seventh to Ninth Street;
21. Sunnyside Avenue, on the east side or southeast side from Ninth Street to St. Clair Street;
22. West Street, on the east side, from the intersection of West Street with the north line of Erie Street, thence north 50 feet;
23. Superior Street, on the north side, from its intersection with the west line of Eighth Street, thence west 57 feet;
24. Harrison Street, on the east side, between St. Clair Street and Michigan Street;
25. Longview Road, on both sides, from the north line of North Street to 112 feet north;
26. Eighth Street, on the west side, from the intersection of Eighth Street with the north line of Linn Street, thence north 75 feet;
27. Grove Street, on the south side, between Sixth Street and Seventh Street;
28. Eighth Street, on the west side, between St. Clair Street and Linn Street;
29. Linn Street, on the south side, between 8th Street and 9th Street;
30. Grove Street, on the north side, from its intersection with Longview Road, 30' west;
31. Longview Road, on the east side, from its intersection with Longview Court, 15' south;
32. Harrison Street, on the west side, between St. Clair Street to Michigan Street;
33. Seventh Street, on the west side, between East Superior Street and East Huron Street;
34. Willow Road from West Huron Street to City limits;
35. Beacon Avenue from West Huron Street to West St Clair Street;
36. Park Avenue from West Huron Street to West St Clair Street;
37. North Boston Avenue from West Huron Street to West St Clair Street;
38. Portland Avenue from West Huron Street to West St Clair Street;
39. Shawmutt Avenue from West Huron Street to West St Clair Street;
40. West Huron Street from Willow Road to Dean DeWaele Way;
41. West St Clair Street from Willow Road to Shawmutt Avenue;
42. West Michigan Street from Beacon Avenue to Shawmutt Avenue;
43. West Superior Street from Beacon Avenue to Shawmutt Avenue.

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 2. 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 .

Sherman Struble, Mayor Pro-Tem

ATTEST:

Jodie Flaherty, City Administrator

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

Jodie Flaherty, City Administrator

1st reading: 3-02-2021
2nd reading:
3rd reading:
Published:

ORDINANCE # 570

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF MISSOURI VALLEY, IOWA, BY AMENDING THE ELECTRIC FRANCHISE

WHEREAS, the City of Missouri Valley, Iowa, and MidAmerican Energy Company entered into an electric franchise agreement for Natural Gas Ordinance No. 561, adopted by the City Council on October 20, 2020, and

WHEREAS, the City of Missouri Valley and MidAmerican Energy Company agree the franchise must be amended

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Missouri Valley, Iowa, as follows:

1. That Section 13 of Ordinance No. 561 being:

Section 13. There is hereby imposed upon the customers a franchise fee of 1% upon the gross revenues, minus uncollectible accounts, generated from sales of electricity and distribution service, pursuant to the tariff, by the Company within the corporate limits of the City. The franchise fee shall be remitted by the Company to the City on or before the last business day of the calendar quarter following the close of the calendar quarter in which the franchise fee is charged.

is hereby struck and the following Section 13 is substituted therefore:

Section 13. There is hereby imposed upon the customers a franchise fee of 5% upon the gross revenues, minus uncollectible accounts, generated from sales of electricity and distribution service, pursuant to the tariff, by the Company within the corporate limits of the City. The franchise fee shall be remitted by the Company to the City on or before the last business day of the calendar quarter following the close of the calendar quarter in which the franchise fee is charged.:

Passed by the Council on the 2nd day of March, 2021, and approved this 2nd day of March, 2021.

Sherman Struble, Mayor Pro-Tem

ATTEST:

Jodie Flaherty, City Administrator

I certify that the foregoing was published as Ordinance #570 on the 10th day of March, 2021.

Jodie Flaherty, City Administrator

1st reading: 2-16-2021
2nd reading: 3-02-2021
3rd reading: Waived
Published: 3-10-2021

ORDINANCE #571

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES
OF THE CITY OF MISSOURI VALLEY, IOWA, BY AMENDING
THE NATURAL GAS FRANCHISE**

WHEREAS, the City of Missouri Valley, Iowa, and MidAmerican Energy Company entered into a natural gas franchise agreement for Natural Gas Ordinance No. 562, adopted by the City Council on October 20, 2020, and

WHEREAS, the City of Missouri Valley and MidAmerican Energy Company agree the franchise must be amended

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Missouri Valley, Iowa, as follows:

1. That Section 14 of Ordinance No. 562 being:

Section 14. A franchise fee of 1% is imposed upon, and shall be collected from, the natural gas customers of the Company receiving service and located within the corporate limits of the City. The franchise fee shall be imposed upon the gross receipts, minus uncollectible accounts, generated from sales of natural gas and distribution service:

is hereby struck and the following Section 14 is substituted therefore:

Section 14. A franchise fee of 5% is imposed upon, and shall be collected from, the natural gas customers of the Company receiving service and located within the corporate limits of the City. The franchise fee shall be imposed upon the gross receipts, minus uncollectible accounts, generated from sales of natural gas and distribution services:

Passed by the Council on the 2nd day of March, 2021, and approved this 2nd day of March, 2021.

Sherman Struble, Mayor Pro-Tem

ATTEST:

Jodie Flaherty, City Administrator

I certify that the foregoing was published as Ordinance #571 on the 10th day of March, 2021.

Jodie Flaherty, City Administrator

1st reading: 2-16-2021
2nd reading: 3-02-2021
3rd reading: Waived
Published: 3-10-2021

ORDINANCE # _____

AN ORDINANCE AMENDING CHAPTER 55 OF THE CODE OF ORDINANCES OF MISSOURI VALLEY, IOWA, PERTAINING TO ANIMAL PROTECTION AND CONTROL, BY ADDING A NEW SECTION 55.18 TITLED **AT LARGE PENALTY**.

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF MISSOURI VALLEY, IOWA:

Section 1. Statement of Purpose. Adding a new Animal Protection and Control Section to Chapter 55 to read as follows:

55.8 **AT LARGE PENALTY:** The owner of a dog shall at all times restrain such dog from being or running at large within the corporate limits of the City. Failure to do so shall constitute a simple misdemeanor subject to the following penalty provisions.

- 1. Dog at Large:
 - A. First offense \$100.00 fine
 - B. Second offense..... \$200.00 fine
 - C. Third offense..... \$300.00 fine
 - D. Fourth and subsequent offenses shall be fined the sum of \$500.00.
- 2. Vicious Dogs at Large:
 - A. First offense \$100.00 fine
 - B. Second offense..... \$200.00 fine
 - C. Third offense..... \$300.00 fine
 - D. Fourth and subsequent offenses shall be fined the sum of \$500.00.

Section 2. Severability Clause. If any of the provisions of this Ordinance are for any reason illegal or void, then the lawful provisions of this Ordinance, which are separable from said unlawful provisions shall be and remain in full force and effect, the same as if the Ordinance contained no illegal or void provisions.

Section 3. Repealer. All Ordinances or parts of Ordinances in conflict with provisions of this Ordinance are hereby repealed.

Section 4. Effective Date. This Ordinance shall be effective upon its final passage and publication as by law provided.

Adopted by the City Council on the day of and approved this day of .

Sherman Struble, Mayor Pro-Tem

ATTEST:

Jodie Flaherty, City Administrator

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

Jodie Flaherty, City Administrator

1st reading: 3-02-2021

2nd reading:

3rd reading:

Published: