

**CITY OF MISSOURI VALLEY
SPECIAL CITY COUNCIL MEETING
RAND COMMUNITY CENTER
TUESDAY, AUGUST 10, 2021**

Mayor Kelly 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. Also Present: Linda Coddington, Milinda Coddington, Amy Ford, Mary Jo Buckley, Clint Sargent, Trista McLaughlin, Jeannie Wortman, Robert Fairchild, Greg Skelton, Becky Hiles, Sally Salter, Lee Lange, Judy Holcombe

The Pledge of Allegiance was recited.

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

Motion by Struble, seconded by Stueve to approve the agenda for August 10, 2021. Motion carried unanimously.

Motion by Stueve, seconded by Ford to approve the following items on the consent agenda: a) Minutes from July 20, 2021 City Council Meeting b) Claims List. Motion carried unanimously.

There were no inquiries from citizens.

Jake Zimmer, Olmsted & Perry, gave an update on current projects. The Willow Park Street/Drainage project has started and Midwest Mechanical is digging ditches. Motion by Ford, seconded by Stueve to approve Periodic Cost Estimate #1 to Midwest Mechanical for the Willow Park Project in the amount of \$84,934.65. Motion carried unanimously.

The application for the USDA loan has been submitted. Flaherty stated that there is a two-to-three-week review before the City will be notified. The 8th & Maple Sanitary Sewer/Street Repair is finished. The sewer was televised on West Street. There is approximately 370 feet of sewer line that has collapsed. Zimmer stated the plans and design are completed and the project will have to be advertised. The project is estimated at \$100,000.00. Motion by Ford, seconded by Stueve to authorize Olmsted & Perry to out go out for bids and advertise the project. Motion carried unanimously.

The City Attorney is currently reviewing the Dedication of the Streets by the Water Treatment Plant. This should be ready for approval at the next Council meeting.

Jeannie Wortman, Chamber, stated the Chamber sponsored the parade and worked the concession stand during the Fair. She thanked the Police and Fire Department for their help with the parade. The 150th Harvest Progress planning continues. Desoto Bend was featured on a

National Geographic episode. When the sidewalk project is complete, the Chamber will work on a planter project in the business district.

Library Director Kocher gave the Library report. The Summer Children's program is finished. He also went over past and future events. The Library offers Hoopla Digital Library and it is free to anyone with a Library card.

Mary Jo Buckley with the Park Board gave up an update. The Board would like to apply for a grant to sandblast the fountain at the City Park. They will look at the condition of the fountain before decided to either seal the concrete or paint the fountain. The low bid was for \$1,284.00. Motion by Stueve, seconded by Struble to allow Park Board to apply for a Grant to Sandblast and Paint the Park Fountain. Motion carried unanimously.

The Board would like the dilapidated shed at baseball field located on north Beacon Avenue removed. Council agreed. Buckley will meet with the Street Department to coordinate. The Park Board would like Council to look into the Tree Board and see if they will start to meet and help apply for Tree Grants for the City.

Motion by Ford, seconded by Stueve to accept the quote from Midwest Tennis and Track in the amount of \$4,975.00 to Paint Lines at the Parks and Tennis Court Updates. Motion carried unanimously.

Flaherty gave an update from the Rural Housing Readiness Assessment Committee. The Committee would like Council to adopt a tax abatement program to include residential and commercial properties. They would like to have the City apply for a CDBG Grant for a rehab project. SWIPCO stated they would cover the fees. They would also like to continue on as a committee to look at potential housing and have the ability to speak with property owners about potential developments. Council agreed.

Motion by Struble, seconded by Pfouts to Waive the Park Fees for 150th Event on September 17th, 18th, and 19th, 2021. Motion carried unanimously.

Motion by Struble, seconded by Stueve to close 5th Street from Ontario to Erie Street on September 18th, 2021. Motion carried unanimously.

Discussion was held on the City covering the special event. The City's Insurance Agent, Judy Holcombe, was present and said that it would be an additional cost of \$350.00. Motion by Stueve, seconded by Struble for the 150th Harvest Progress to be covered under the City's Liability Policy. Motion carried unanimously.

Motion by Struble, seconded by Ford to Relax the Prohibition for the Limited Purpose of Pheasants Forever to have a Youth Hunt and only upon the Specified Location within City Limits on September 19th, 2021. Motion carried unanimously.

Motion by Struble, seconded by Stueve to accept the quote from Scantron in the amount of \$3,692.64 for Firewall Software at City Hall, Police Department, and Water Treatment Plant. Motion carried unanimously.

Motion by Struble, seconded by Stueve to Hire Ahlers & Cooney PC as the City's Labor Attorney. Motion carried unanimously.

Resolution #21-24 was introduced Setting Wage-Part-Time Librarian-Maura Smith. Motion by Struble, seconded by Ford. Motion carried unanimously.

Resolution #21-25 was introduced setting a Public Hearing to Consider Entering into a Perpetual, Non-Exclusive Easement with MidAmerican Energy Company for the Purpose of MidAmerican Utilizing City of Missouri Valley Real Property to Construct, Operate and Maintain a Communications Tower Together with all Necessary Equipment for the Transmission of Voice and Data Signals. Motion by Stueve, seconded by Struble to set the public hearing for September 7, 2021 at 6 p.m. Motion carried unanimously.

Discussion on the Recycle Bins Location. Ford would like Council to look at the FEMA lot next to the car wash. The City could put up a fence and rock on the lot. Flaherty will look at the regulations and bring the findings back to Council.

Discussion was held on a UTV/ATV Ordinance. Kelly stated that the Attorney needed clarification as the County's ordinance only covers UTV's. Council would like to have two separate ordinances. They would like the UTV ordinance to match the County's ordinance with the registration and fees payable to the County. They would like to have a separate ATV ordinance with the fees matching the County UTV fee, due annually, and payable to the City.

An Ordinance was introduced amending Chapter 66.03 of the Code of Ordinances of the City of Missouri Valley, Iowa, by Establishing Gross Weight Load Limits upon Certain Streets and in Creating a new Section 66.06 Titled "Exempt Vehicles". Motion by Ford, seconded by Stueve to adopt the 2nd reading. Motion carried unanimously.

An Ordinance was introduced Amending Chapter 99.02 of the Code of Ordinances of the City of Missouri Valley, Iowa, by Amending Rates and in Creating a new Section 9910 Titled "Deposits." Motion by Ford, seconded by Stueve to adopt the 1st reading. Motion carried unanimously.

Struble inquired about when the lines will be painted on North 1st Street.

Stueve asked when the slide will be painted at the pool. Flaherty will contact the contractor.

Flaherty reported that the pool closed on August 7th. The City Hall roof has been completed. The City qualifies for a Tech Grant thru the State and it \$9,500.00. The only items that can be purchased are computers, tablets, and webcams. The City will receive \$389,696.88 from the American Rescue Plan. This allows City's to complete improvements for Broadband, Water, and Sewer infrastructure. There will be a future meeting outlining what can be spent with the

funds. There are nine ordinance updates that will need to be made due to state code changes. The boiler at City Hall will need a maintenance program. The cost is \$4,253.00 for the implementation and \$1,572.00 per year after. Flaherty will put it on the next agenda for approval. There is a bypass meeting scheduled for August 25, 2021. The Army Corps would like to schedule a Council update after the meeting.

Motion by Struble, seconded by Stueve to enter into closed session at 6:53 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. Motion carried unanimously.

Motion by Struble, seconded by Stueve to return to open session at 7:11 p.m. Motion carried unanimously.

Motion by Ford, seconded by Stueve to appoint Lee Lange as Full-Time Police Chief with a salary of \$76,458.96 plus compensatory time at hour for hour. Motion carried unanimously.

Motion by Stueve, seconded by Struble to adjourn at 7:13 p.m. Motion carried unanimously.

Shawn Kelly, Mayor

Attest: Jodie Flaherty, City Administrator

RESOLUTION 21-24

RESOLUTION SETTING WAGE

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

The following employee shall be paid the wage and salary indicated and the City Clerk is authorized to issue checks, less legally required or authorized deductions from the amount set out below, bi-weekly, and to make such contributions to IPERS and social security or other purposes as required by law or authorization of the Council, all subject to audit and review by the Council:

<u>Position</u>	<u>Name</u>	<u>Hourly Wage</u>
Part-Time Librarian	Maura Smith	\$9.00

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

That the employees shall be paid the wage as indicated above effective August 1, 2021.

Passed and approved this 10th day of August, 2021.

Shawn Kelly, Mayor

ATTEST:

Jodie Flaherty, City Administrator

RESOLUTION 21-25

RESOLUTION TO SET A PUBLIC HEARING TO CONSIDER ENTERING INTO A PERPETUAL, NON-EXCLUSIVE EASEMENT WITH MIDAMERICAN ENERGY COMPANY (“MIDAMERICAN”, HEREIN) FOR THE PURPOSE OF MIDAMERICAN UTILIZING CITY OF MISSOURI VALLEY REAL PROPERTY TO CONSTRUCT, OPERATE AND MAINTAIN A COMMUNICATIONS TOWER TOGETHER WITH ALL NECESSARY EQUIPMENT FOR THE TRANSMISSION OF VOICE AND DATA SIGNALS.

WHEREAS, the City of Missouri Valley has been advanced a Communications Tower and Auxiliary Equipment Easement by MIDAMERICAN to obtain an easement over, upon, along, through and across:

The West 25.00 feet (W25’), of the South 15.00 feet (S15’), of the North 65.87 feet (N.65.87’), of Lot 1, Block 72, Blair’s Town Lot Company’s 4th Addition to the Town of Missouri Valley, Harrison County, Iowa, as generally depicted on Exhibit A, attached hereto and made a part hereof.

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 of voice and data signals, and

WHEREAS, the easement is perpetual and MIDAMERICAN shall pay \$2,000.00 to the City of Missouri Valley upon entering into this easement.

NOW THEREFORE BE IT RESOLVED BY the City Council of the City of Missouri Valley, Iowa:

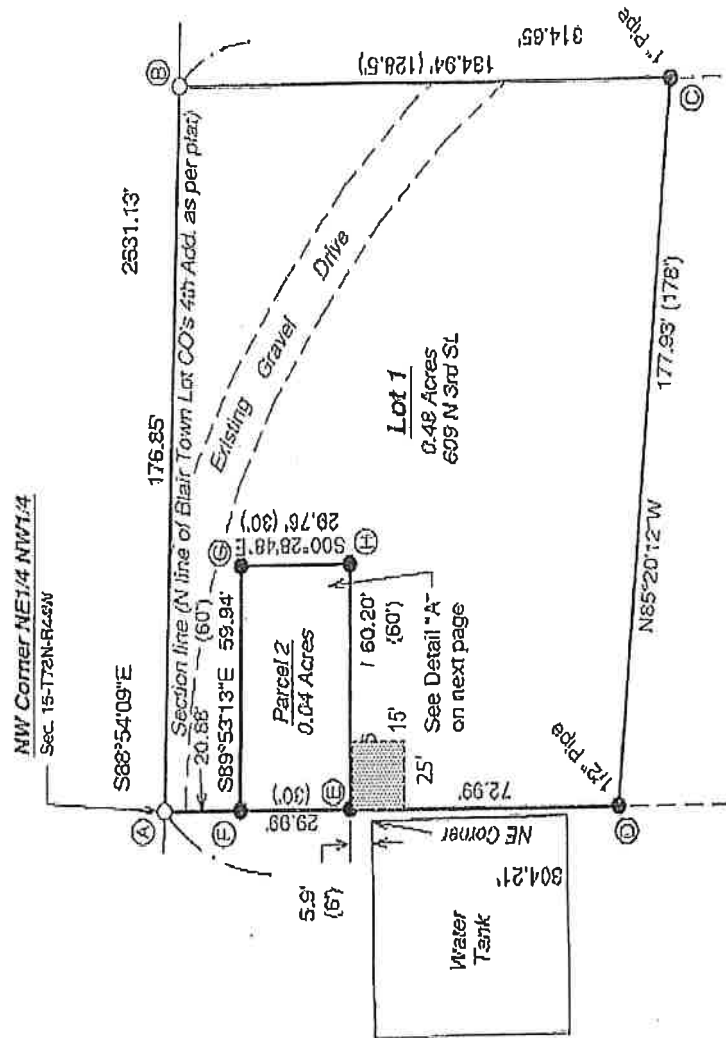
That the date of September 7, 2021, at 6:00 p.m., in the Rand Center located at 100 South 4th Street, Missouri Valley, Iowa, be scheduled for the public hearing to consider and approve this sale and notice of said hearing to be published in accordance with §362.3 and §364.7 of the Code of Iowa.

Passed and approved this 10th day of August, 2021.

Shawn Kelly, Mayor

Attest:

Jodie Flaherty, City Clerk/Administrator



ORDINANCE # _____

AN ORDINANCE AMENDING CHAPTER 66.03 OF THE CODE OF ORDINANCES OF THE CITY OF MISSOURI VALLEY, IOWA, BY ESTABLISHING GROSS WEIGHT LOAD LIMITS UPON CERTAIN STREETS AND IN CREATING A NEW SECTION 66.06 TITLED "EXEMPT VEHICLES".

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

SECTION 1. SECTION MODIFIED. Section 66.03 of the Code of Ordinances of the City of Missouri Valley, Iowa, is repealed and the following adopted in lieu thereof:

66.03 LOAD LIMITS UPON CERTAIN STREETS. When signs are erected giving notice thereof, no person shall operate any vehicle with a gross weight in excess of the amounts specified on such signs at any time upon any of the following streets or parts of streets: (Code of Iowa, Sec. 321.473 & 475).

1. South 9th Street from Erie Street to Canal Street – 10 Ton; except from September 15 to November 15 the limits shall be increased to 15 Ton;
2. Beacon Avenue from West Huron Street to West St. Clair Street – 10 Ton;
3. Park Avenue from West Huron Street to West St. Clair Street – 10 Ton;
4. North Boston Avenue from West Huron Street to West St Clair Street – 10 Ton;
5. Portland Avenue from West Huron Street to West St Clair Street – 10 Ton;
6. Shawmutt Avenue from West Huron Street to West St Clair Street – 10 Ton;
7. West St Clair Street from Willow Road to Shawmutt Avenue – 10 Ton;
8. West Michigan Street from Beacon Avenue to Shawmutt Avenue – 10 Ton;
9. West Superior Street from Beacon Avenue to Shawmutt Avenue – 10 Ton.

SECTION 2: SECTION ADDED. Section 66.06 shall be added to the Code of Ordinances of the City of Missouri Valley, Iowa, to be titled Exempt Vehicles and shall read as follows:

66.06 EXEMPT VEHICLES. Vehicles performing City of Missouri Valley services shall be exempt from this Chapter. Such vehicles include, but are not limited to, fire trucks and garbage trucks.

SECTION 3. 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 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 City Council on the ____ day of _____, 2021 and approved this ____ day of _____, 2021.

Shawn Kelly, Mayor

ATTEST:

Jodie Flaherty, City Administrator

1st reading: 7-20-2021

2nd reading: 8-10-2021

3rd reading: _____

Published: _____

ORDINANCE # _____

AN ORDINANCE AMENDING CHAPTER 99.02 THE CODE OF ORDINANCES OF THE CITY OF MISSOURI VALLEY, IOWA, BY AMENDING RATES AND IN CREATING A NEW SECTION 99.10 TITLED "DEPOSITS"

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

SECTION 1. SECTION MODIFIED. Sections 99.02 of the Code of Ordinances of the City of Missouri Valley, Iowa, is repealed and the following adopted in lieu thereof:

99.02 RATE. Sewer service rates are established as follows:

a). General Rate Application. Each customer, other than new customers that have not had an account with the City within the previous 12 months, 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.

b). New Residential Customers. New residential customers, being defined as those who have not had an account with the City for the previous twelve (12) months, shall pay at a rate equivalent to 77% of the water bill of a customer that uses 1,000 gallons of water per person per month until an annual average can be calculated in accordance with 99.02(a). The number of people at the residence shall be determined by the customer's water application.

c). New Commercial and Industrial Customers. New commercial and/or industrial customers will be billed at the minimum sewer charge for the first three months of service. After the first

three months of service the City will average the sewer rate based upon the first three months of service until the annual average described in 99.02(a) can be established.

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.

SECTION 2. SECTION ADDED. Section 99.10 shall be added to the Code of Ordinances of the City of Missouri Valley, Iowa, to be titled Customer Deposits and shall read as follows:

99.10 CUSTOMER DEPOSITS.

All applicants for service from the City sewer 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 sewer 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. This applies to customers with only sewer services.

SECTION 3. 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 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 City Council on the ____ day of _____, 2021 and approved this ____ day of _____, 2021.

Shawn Kelly, Mayor

ATTEST:

Jodie Flaherty, City Administrator

1st reading: 8-10-2021

2nd reading: _____

3rd reading: _____

Published: _____