

**CITY OF MISSOURI VALLEY  
CITY COUNCIL MEETING  
RAND COMMUNITY CENTER  
TUESDAY, AUGUST 17, 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 via telephone. Also Present: Linda Coddington, Milinda Coddington, Clint Sargent, Adam Bellis, Mary Jo Buckley, Stuart Karlin, Sally Salter, Robert Fairchild, Jake Zimmerer, Amy Ford, and Aaron Tuttle.

The Pledge of Allegiance was recited.

Kelly asked Council for any comments or additions and there were none.

Motion by Struble, seconded by Stueve to approve the agenda for August 17, 2021. Motion carried unanimously.

Resolution #21-26 was introduced to appoint to City Council. Motion by Struble, seconded by Stueve to appoint Aaron Tuttle. Motion carried unanimously.

Mayor Kelly administered the Oath of Office to Council Member Aaron Tuttle at 6:03 p.m.

Jeff Fry, Jim Olmsted, and Jake Zimmerer, Olmsted & Perry, gave an update on current projects. The ditches are still being worked on in the Willow Park Street/Drainage project. They are having issues with CenturyLink moving their utilities. The USDA loan has been submitted and we are waiting on approval. After it is approved then the design will start. The public hearing and bid opening will be on the next agenda for the West Street Sewer Repairs. The plat for the Water Treatment Plant property has not been recorded. The City is waiting on the City Attorney's opinion and signatures.

Resolution #21-27 was introduced approving the Plat of Survey and Dedication of West Michigan Street, as extended, and approving the Plat of Survey and Dedication of Windom Street, all within the City of Missouri Valley, Iowa. Motion by Ford, seconded by Stueve. Motion carried unanimously.

Motion by Struble, seconded by Stueve to approve the following items on the consent agenda: a) Claims list b) Minutes from August 10, 2021 City Council Meeting, Park Board Minutes, Safety Committee Minutes, Police Report c) City Administrators Financial Report d) Utility Reconciliation Report. Motion carried unanimously.

There were no inquiries from citizens.

Brent Messerschmidt with PeopleService stated that lightning struck the Water Treatment Plant. A valve was stuck open and caused the reservoir to drain, low water pressure, and a boil order. On Erie Street there was a water main break and a valve replacement. CJ Future's sprayed the backwash lagoon. Brent would like the lagoon and lift stations to be added to the spraying list.

Motion by Ford, seconded by Stueve to re-average the sewer usage for the Eagle's Club. Motion carried unanimously.

Discussion was held on a location for the recycle bins. Flaherty researched the FEMA lot by the car wash. FEMA does not allow movable equipment. Council will continue to look into locations.

Motion by Stueve, seconded by Struble to allow the utilities to stay connected at the Fair Building for an event on October 30, 2021. Motion carried unanimously.

Motion by Struble, seconded by Ford to approve a ½ page ad for The Whistle. Motion carried unanimously.

Motion by Struble, seconded by Stueve to accept the proposal from MMC Contractors in the amount of \$4,253.00 for Implementation of Water Treatment and Boiler Service at City Hall. Motion carried unanimously.

Resolution #21-28 was introduced Setting a Wage for the Police Chief. Motion by Struble, seconded by Ford. Motion carried unanimously.

Motion by Stueve, seconded by Struble to promote Jacob Musfeldt to Assistant Chief, effective 08/18/2021. Motion carried unanimously.

Resolution #21-29 was introduced Setting a Wage for the Assistant Chief. Motion by Struble, seconded by Stueve. Motion carried unanimously.

Motion by Struble, seconded by Stueve for the Mayor to sign the Petition for Title to Abandoned Property and Petition to Quiet Title at 323 W Erie Street.

Discussion was held on Mayor and Council compensation. Flaherty created a spreadsheet with comparable compensation from communities between the population of 2,000 and 3,600. Stueve would like to leave the wages and Ford agreed. Motion by Struble, seconded by Stueve to leave the Mayor and Council compensation as current. Motion carried unanimously.

Ordinance #576 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 3<sup>rd</sup> reading. Motion carried unanimously. Motion by Ford, seconded by Struble to adopt Ordinance #576. 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 99.10 Titled "Deposits." Motion by Ford, seconded by Stueve to adopt the 2<sup>nd</sup> reading. Motion carried unanimously.

Flaherty stated the slides at the Aquatic Center will be painted at the end of September. The City Attorney sent the draft UTV ordinance. Flaherty will put it on the next agenda. After Council has the UTV ordinance the way they want it to read, the Attorney will create the ATV ordinance.

There were no Mayor comments.

Motion by Struble, seconded by Stueve to adjourn at 6:32 p.m. Motion carried unanimously.

Shawn Kelly, Mayor

Attest: Jodie Flaherty, City Administrator

## RESOLUTION 21-26

### RESOLUTION TO APPOINT TO CITY COUNCIL

**WHEREAS**, The City Council of Missouri Valley, Iowa, accepted the resignation of Kenneth Dooley, Sr. on July 20, 2021; AND

**WHEREAS**, Pursuant to Section 5.10.1 of the Code of Ordinances of the City of Missouri Valley, Iowa, and Section 372.13 (2) of the Code of Iowa, the City Council has elected to fill the vacancy by appointment; AND

**WHEREAS**, The City Council, by motion vote, has named Aaron Tuttle as the appointee.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of Missouri Valley, Iowa, appoints Aaron Tuttle to the Council seat vacated by Kenneth Dooley, Sr.

**BE IT FURTHER RESOLVED**, by the City Council of the City of Missouri Valley, Iowa, that the Mayor and City Administrator are hereby authorized and directed to execute said Resolution.

Passed and approved this 17th day of August, 2021.

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

ATTEST:

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

## RESOLUTION 21-27

### **A RESOLUTION APPROVING THE PLAT OF SURVEY AND DEDICATION OF WEST MICHIGAN STREET, AS EXTENDED AND APPROVING THE PLAT OF SURVEY AND DEDICATION OF WINDOM STREET, ALL WITHIN THE CITY OF MISSOURI VALLEY, IOWA.**

**WHEREAS**, the City of Missouri Valley met on August 17, 2021, and considered the plat of survey extending West Michigan Street westward to what will be known as Windom Street, and

**WHEREAS**, the legal description for this extension of West Michigan St., is as follows:

That part of "Lot 7 City Subdivision," now included in and forming a part of the City of Missouri Valley, Harrison County, Iowa, more particularly described as follows:

Beginning at the Northeast Corner of Lot 2 of said "Lot 7 City Subdivision," said point also being the Southwest Corner of West Michigan Street per Plat of Survey recorded in Book 2009 Page 2821; thence N89°52'47"W (All bearings referenced to the Iowa Regional Coordinate System Zone 6) a distance of 446.26 feet along the North line of said Lot 2 extended to intersect an East line of Lot 1 of said "Lot 7 City Subdivision;" thence N00°46'51" E a distance of 69.98 feet along said East line to a South line of said Lot 1; thence S89°52'47"E a distance of 446.13 feet along said South line to the Northwest Corner of said West Michigan Street per Plat of Survey recorded in Book 2009 Page 2821; thence S00°40'11"W a distance of 69.97 feet along the West line of West Michigan Street to said Southwest Corner of Michigan Street per Plat of Survey to the Point of Beginning. Containing 31,221.8 square feet or 0.72 acres, more or less, and

**WHEREAS**, the City Council of Missouri Valley, Iowa, met August 17, 2021 and considered the plat of what is to be known as Windom Street, which would extend from West Huron Street to the south and be bordered by West Michigan Street to the north, and

**WHEREAS**, the legal description of the plat for Windom Street is as follows:

That part of "Lot 7 City Subdivision," now included in and forming a part of the City of Missouri Valley, Harrison County, Iowa, more particularly described as follows:

Commencing at the Northeast Corner of Lot 2 of said "Lot 7 City Subdivision," said point also being the Southwest Corner of West Michigan Street per Plat of Survey recorded in Book 2009 Page 2821; thence N89°52'47"W (All bearings referenced to this Iowa Regional Coordinate System Zone 6) a distance of 375.96 feet along the North line of said Lot 2 to the Northwest Corner of said Lot 2 to the Point of Beginning; thence S00°46'51"W a distance of 675.92 feet along the West lines of said Lot 2 and Lot 6 of the Auditor's Subdivision of the SE¼ of the NE¼ of Section 16, Township 78 North, Range 44 West of the 5<sup>th</sup> Principal Meridian to

the North Right-of-Way of West Huron Street; thence S89°53'34"W a distance of 70.30 feet along said North Right-of-Way to a Southeasterly Corner of Lot 1 of said "Lot 7 City Subdivision;" thence N00°46'51"E a distance of 676.20 feet along an East line of said Lot 1; thence S89°52'47"E a distance of 70.30 feet to the point of beginning. Containing 47,522.3 square feet or 1.09 acres, more or less.

**WHEREAS**, the plats of survey are attached and included herein; the plat of West Michigan Street is documented Exhibit A and the plat of Windom Street is Exhibit B.

**NOW THEREFORE BE IT RESOLVED BY** the City Council of the City of Missouri Valley, Iowa that the Plat of Survey and Dedication of West Michigan Street as extended, and of Windom Street, and the streets are dedicated to the public for the public's use as streets for the purpose of ingress and egress is hereby approved.

Passed and approved this 17th day of August, 2021.

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Shawn Kelly, Mayor

Attest:

\_\_\_\_\_  
Jodie Flaherty, City Clerk/Administrator

## **RESOLUTION 21-28**

### **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:

Lee Lange	Police Chief	\$76,458.96 (Salary)
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**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 11, 2021.

Passed and approve this 17th of August, 2021.

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

ATTEST:

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

**RESOLUTION 21-29**

**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:

Jacob Musfeldt                      Assistant Chief                      \$26.82

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 18, 2021.

Passed and approve this 17th of August, 2021.

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

ATTEST:

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

**ORDINANCE #576**

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 9<sup>th</sup> 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 17th day of August, 2021 and approved this 17th day of August, 2021.

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

ATTEST:

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

1st reading: 7-20-2021  
2<sup>nd</sup> reading: 8-10-2021  
3<sup>rd</sup> reading: 8-17-2021  
Published: 9-01-2021

I verify that the foregoing was published as Ordinance #576 on the 1st day of September, 2021.

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

**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

1<sup>st</sup> reading: 8-10-2021

2<sup>nd</sup> reading: 8-17-2021

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

Published: \_\_\_\_\_