

**CITY OF MISSOURI VALLEY
CITY COUNCIL MEETING
RAND COMMUNITY CENTER
TUESDAY, APRIL 19, 2022**

Mayor Kelly presided over the meeting and called it to order at 6:00 p.m. with the following Council members present: Ford, Struble, and Taylor. Absent: Stueve, Tuttle Also Present: Emily Tomcykowski, Guy Tomcykowski, Adam Bellis, Mary Jo Buckley, Richard Gochenour, Carrie Goodsell, Alli Goodsell, Jeannie Wortman, Sally Salter, and Amy Ford.

The Pledge of Allegiance was recited.

There were no Mayor or Council comments or additions.

Motion by Struble, seconded by Taylor to approve the agenda for April 19, 2022. Motion carried unanimously.

6:00 P.M. Public Hearing to Consider a Lease of the Following Described Property: Blocks Six (6), Seven (7), Eighteen (18), and Nineteen (19), and the North and South Alley Through said Block Eighteen (18) in Willow Park Addition to the Town of Missouri Valley, Iowa. There were no written or oral objections. Motion by Struble, seconded by Taylor to close the hearing. Motion carried unanimously.

Ford stated he read the Park Board minutes and would like to make sure the Park Department cleans up the caboose.

Stueve and Tuttle arrived at 6:03 p.m.

Motion by Struble, seconded by Ford to approve the following items on the consent agenda: a) Minutes from March 29, 2022 Special City Council Meeting and April 5, 2022 City Council Meeting b) Claims list c) City Administrators Financial Report d) Utility Reconciliation Report February and March e) Liquor License for Billy C's Papa Joes, Taylor Oil Enterprises Limited, Campo Azul Mexican Restaurant Incorporated. Motion carried unanimously.

There were no inquiries from citizens.

Jake Zimmerer gave the Olmsted and Perry update. The Interstate Watermain design has been modified due to the bypass and the bids will be ready tomorrow. The well drilling should be completed next week and then a design will be sent to the DNR. Olmsted office is working on the control panel. The City did not receive any USDA funding. Council would like to take out St. Clair from 5th to 6th to potentially save costs. Zimmerer will send a new summary and Flaherty will work on the funding. The roofs will go out to bid as a lump sum project with no additions. Zimmerer recommends the following for parking: Angled parking, one side on Erie Street south on 4th Street and 6th Street.

Dakoda Tish gave the PeopleService update. They are changing meters and radios with low batteries, multiple watermain breaks by the interstate corridor, and the lagoons were sonared.

Discussion was held on adding a parking lot on the south side of Willow Park. Olmsted suggested a drive in and out. Council would like him to look at the option.

Mary Jo Buckley stated the Cunard Family donated a bench. She suggests putting it in City Park where the Mefferd bench was previously located. Council agreed.

Buckley stated she contacted companies for port-a-pot rental at Summit Park. The cost is \$120.00 per month. Council would like to know how many times the port-a-pot will be serviced in a month.

Resolution #22-19 was introduced Setting Wage-Sealey. Motion by Ford, seconded by Tuttle. Motion carried unanimously.

Resolution #22-20 was introduced Setting Wage-Smith. Motion by Stueve, seconded by Struble. Motion carried unanimously.

Motion by Struble, seconded by Taylor to Allow the Mayor to sign the PeopleService Contract. Motion carried unanimously.

Motion by Struble, seconded by Stueve to allow the Mayor to sign the Mosquito Control of Iowa Contract in the amount of \$8,655.00. Motion carried unanimously.

Resolution #22-21 was introduced approving the Execution and Entering into a Lease for the Following Described Property Blocks Six (6), Seven (7), Eighteen (18), and Nineteen (19), and the North and South Alley Through said Block Eighteen (18) in Willow Park Addition to the Town of Missouri Valley, Iowa. Motion by Struble, seconded by Ford. Motion carried unanimously.

Resolution #22-22 was introduced to Provide for a Notice of Hearing on Proposed Plans, Specifications, Form of Contract and Estimate of Cost for the Highway 30 Water Main Replacement Project, and the Taking of Bids therefor. Motion by Struble, seconded by Tuttle. Motion carried unanimously.

Resolution #22-23 was introduced Approving the Transfer of Funds from Sewer to Sewer Projects (West Street). Motion by Stueve, seconded by Tuttle. Motion carried unanimously.

Resolution #22-24 was introduced Approving the Transfer of Funds from LOST to General (Section 205 Study). Motion by Struble, seconded by Taylor. Motion carried unanimously.

Ordinance was introduced Amending the Code of Ordinances of the City of Missouri Valley, Iowa, by Amending the Provisions Pertaining to Parking Regulations, Angle Parking with the additions of Fourth Street, on the east side, from Erie Street south to the alley and Sixth Street, on the west side, from Ontario Street to the Erie Street. Motion by Tuttle, seconded by Taylor adopt the 3rd reading. Roll Call: Ayes: Tuttle, Taylor, Ford. Nays: Struble, Stueve. Motion carried on a 3-2 vote. Motion by Tuttle, seconded by Taylor to adopt Ordinance #596. Roll Call: Ayes: Tuttle, Taylor, Ford. Nays: Struble, Stueve. Motion carried on a 3-2 vote.

Flaherty stated tuck pointing at City Hall/Fire Station has started. City Clerk/Administrator interviews were conducted today. The low bid for the asbestos inspection was from Terracon in the amount of \$575.00 and should be completed within the week. Flaherty approved a computer repair for the Library for \$900.00.

Kelly apologized for missing the Mogart grand opening and encourages everyone to shop local and support the businesses in town.

Motion by Ford, seconded by Struble to enter into closed session at 6:36 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 Taylor, seconded by Stueve to enter into open session at 7:00 p.m. with no action taken.

Motion by Stueve, seconded by Struble to enter into closed session at 7:01 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.

Ford left at 7:04 p.m. due to a conflict of interest.

Motion by Struble, seconded by Tuttle to enter into open session at 7:31 p.m.

Motion by Stueve, seconded by Taylor to director Kelly to make an offer to the candidate as presented. Motion carried unanimously.

Motion by Stueve, seconded by Struble to adjourn at 7:32 p.m. Motion carried unanimously.

Shawn Kelly, Mayor

Attest: Jodie Flaherty, City Administrator

RESOLUTION 22-19

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:

Lauren Sealey

\$23.81

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 April 21, 2022.

Passed and approve this 19th of April, 2022.

Shawn Kelly, Mayor

ATTEST:

Jodie Flaherty, City Administrator

RESOLUTION 22-20
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	\$12.00

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 April 17, 2022.

Passed and approved this 19th day of April, 2022.

Shawn Kelly, Mayor

ATTEST:

Jodie Flaherty, City Administrator

RESOLUTION 22-21

RESOLUTION APPROVING THE EXECUTION AND ENTERING INTO A LEASE FOR THE FOLLOWING DESCRIBED PROPERTY: BLOCKS SIX (6), SEVEN (7), EIGHTEEN (18), AND NINETEEN (19), AND THE NORTH AND SOUTH ALLEY THROUGH SAID BLOCK EIGHTEEN (18) IN WILLOW PARK ADDITION TO THE TOWN OF MISSOURI VALLEY, IOWA.

WHEREAS, the Council was presented a proposed Lease agreement for the above-described real estate, and

WHEREAS, a public notice was given as required by law and public hearing was held on April 19, 2022 and the Council received insufficient public objection concerning the proposed sale agreement of the City owned property described above, and

WHEREAS, it was determined that Spinnin Spokes BMX, LLC shall be allowed to Lease the following described property: Blocks Six (6), Seven (7), Eighteen (18), and Nineteen (19), and the North and South Alley through said Block Eighteen (18) in Willow Park Addition to the Town of Missouri Valley, Iowa for the sum of \$1.00 per year for a five-year period, and upon such further terms and conditions as covered within the Lease agreement contemplated by the Council, and

NOW THEREFORE BE IT RESOLVED BY the City Council of the City of Missouri Valley, Iowa, that the Lease to Spinnin Spokes BMX, LLC is hereby approved.

The Mayor and City Clerk are hereby authorized to execute and deliver the Lease agreement to the above-named Lessee and to collect the applicable earnest money provided by said agreement.

Passed and approved this 19th day of April, 2022.

Shawn Kelly, Mayor

Attest:

Jodie Flaherty, City Administrator

RESOLUTION 22-22

RESOLUTION TO PROVIDE FOR A NOTICE OF HEARING ON PROPOSED PLANS, SPECIFICATIONS, FORM OF CONTRACT AND ESTIMATE OF COST FOR THE HIGHWAY 30 WATER MAIN REPLACEMENT PROJECT, AND THE TAKING OF BIDS THEREFOR

WHEREAS, it has been proposed that the City Council of the City of Missouri Valley, Iowa (the "City"), undertake the authorization of a public improvement to be constructed as described in the proposed plans and specifications and form of contract prepared by Olmsted & Perry Consulting Engineers, Inc. (the "Project Engineers"), which may be hereafter referred to as the "Highway 30 Water Main Replacement Project" (and is sometimes hereinafter referred to as the "Project"), which proposed plans, specifications, notice of hearing and letting, and form of contract and estimate of cost (the "Contract Documents") are on file with the City Clerk; and

WHEREAS, it is necessary to fix a time and place of a public hearing on the Contract Documents and to advertise for sealed bids for the Project;

NOW, THEREFORE, Be It Resolved by the City Council (the "Council") of the City of Missouri Valley, Iowa, as follows:

Section 1. The Contract Documents referred to in the preamble hereof are hereby approved in their preliminary form.

Section 2. The Project is hereby determined to be necessary and desirable for the City, and, furthermore, it is hereby found to be in the best interests of the City to proceed toward the construction of the Project.

Section 3. May 17, 2022, at 6:00 p.m., at the Rand Center, Missouri Valley, Iowa, is hereby fixed as the time and place of hearing on the Contract Documents.

Section 4. The City Clerk is hereby authorized and directed to publish notice (the "Notice of Hearing") of the hearing on the Contract Documents for the Project in a newspaper of general circulation in the City, which publication shall be made at least once, not less than four (4) and not more than twenty (20) days prior to the date of the hearing. The Notice of Hearing shall be in substantially the following form:

(Form of Notice of Hearing)

NOTICE OF PUBLIC HEARING ON PROPOSED PLANS AND
SPECIFICATIONS, FORM OF CONTRACT AND ESTIMATE OF COST FOR
THE HIGHWAY 30 WATER MAIN REPLACEMENT PROJECT

Notice Is Hereby Given: That at 6:00 p.m., on May 17, 2022, at the Rand Center, Missouri Valley, Iowa, the City Council of the City of Missouri Valley, Iowa will hold a public hearing on the proposed plans and specifications, form of contract and estimate of cost (the "Contract Documents") for the proposed Highway 30 Water Main Replacement Project (the "Project").

The Project shall include the replacement of existing 12" diameter DIP water main with 12" diameter PVC water main, removal and replacement of water main in steel casing, installation of fire hydrant assemblies, temporary water service line, connections to the existing system, and other miscellaneous improvements.

The Project shall be constructed east of Willow Road, along the south right-of-way of Highway 30; extending west under Interstate 29 to approximately Joliet Avenue.

A copy of the proposed Contract Documents is on file for public inspection in the office of the City Clerk.

At the hearing any interested person may file written objections or present oral comments with respect to the subject matter of the hearing.

Jodie Flaherty
City Clerk

Section 5. May 17, 2021, at 6:00 p.m., at the Rand Center, Missouri Valley, Iowa, is hereby fixed as the deadline for receipt of bids for the Project and as the time and place of opening and considering such bids.

Section 6. The amount of the bid security to accompany each bid is hereby fixed at 5% of the total amount of the bid.

Section 7. The City Clerk and/or the Project Engineers are hereby directed to give notice of the bid letting for the Project by posting notice (the "Notice to Bidders") at least once, not less than thirteen (13) and not more than forty-five (45) days prior to the date set for receipt of bids, in each of the following three places: (i) in a relevant contractor plan room service with statewide circulation; (ii) in a relevant construction lead generating service with statewide circulation; and (iii) on an internet site sponsored by either the City or a statewide association that represents the City. The Notice to Bidders shall be in substantially the following form:

(Form of Notice to Bidders)

ADVERTISEMENT FOR BIDS

Notice is hereby given that a public hearing will be held by the City of Missouri Valley, Iowa on the proposed contract documents (plans, specifications, and form of contract) and estimated cost for the HIGHWAY 30 WATER MAIN REPLACEMENT in accordance with the provisions of Chapter 26.12, Code of Iowa, at its meeting at 6:00, p.m. on Tuesday, May 17, 2022, at said Rand Center, Missouri Valley, Iowa.

The City of Missouri Valley, Iowa (Owner) is requesting Bids for the construction of the following Project:

Highway 30 Water Main Replacement
OPCE #2020-058

Sealed bids for the construction of the Project must be received before 6:00 p.m., on Tuesday, May 17, 2022, at the Rand Center, 100 S. 4th Street, Missouri Valley, Iowa. Bids received will be opened, publicly read, and considered at the City's regularly scheduled council meeting, held at the Rand Center, 100 S. 4th Street, Missouri Valley, Iowa at 6:00 p.m., on Tuesday, May 17, 2022, local time.

The Project includes the following Work:

Replacement of existing 12" dia. DIP water main with 12" dia. PVC water main, removal and replacement of water main in steel casing, installation of fire hydrant assemblies, temporary water service line, connections to existing system, and other miscellaneous improvements.

Copies of the contract documents are available from the Issuing Office: A&D Technical Supply Co. Inc., 4320 S 89th Street, Omaha, Nebraska, 68127, (402) 592-4950. Prospective Bidders may examine the Bidding Documents at the Issuing Office on Mondays through Fridays between the hours of 8 a.m. to noon and 1 p.m. to 5 p.m., and may obtain copies of the Bidding Documents from the Issuing Office as described below.

Bidding Documents also may be examined at Lincoln Builders Bureau, Master Builders of Iowa, Omaha Builders Exchange; online at A&D Technical Supply Co. Inc. (www.adtechsupply.com); the office of the City of Missouri Valley, Iowa, on Mondays through Fridays between the hours of 8 a.m. to noon and 1 p.m. to 5 p.m. and the office of the Engineer, OLMSTED & PERRY CONSULTING ENGINEERS INC., 12100 W. Center Road, Suite 803, Omaha, Nebraska 68144, Jacob Zimmerer, PE, jakez@olmstedperry.com.

Bidding Documents may be obtained from the Issuing Office during the hours indicated above. Bidding Documents are available for download or on compact disc (as portable document format (PDF) files) for a non-refundable charge of \$15.00 payable to "A&D Technical Supply Co. Inc." Alternatively, printed Bidding Documents may be obtained from the Issuing Office either via in-person pick-up or via mail, upon Issuing Office's receipt of payment for the Bidding Documents. The refundable cost of printed Bidding Documents is \$30.00 per set, payable to "OLMSTED & PERRY CONSULTING ENGINEERS INC.", plus a non-refundable shipping charge. Refundable deposit shall be returned to the Bidder upon 1) receipt of the contract documents in good useable condition and 2) within 14 days after award of the project. Upon Issuing Office's receipt of payment, printed Bidding Documents will be sent via the prospective Bidder's delivery method of choice; the shipping charge will depend on the shipping method chosen. The date that the Bidding Documents are transmitted by the Issuing Office will be considered the prospective Bidder's date of receipt of the Bidding Documents. Partial sets of Bidding Documents will not be available from the Issuing Office. Neither Owner nor Engineer will be responsible for full or partial sets of Bidding Documents, including Addenda if any, obtained from sources other than the Issuing Office.

For all further requirements regarding bid submittal, qualifications, procedures, and contract award, refer to the Instructions to Bidders that are included in the Bidding Documents.

Bidder shall not include sales tax in the bid. A sales tax exemption certificate will be available for all material purchased for incorporation in the project.

The City of Missouri Valley, Iowa reserves the right to defer acceptance of any bid for a period of sixty (60) calendar days after receipt of bids and no bid may be withdrawn during this period.

Each bid must be accompanied by Bid Security, as defined in Iowa Code Section 26.8, in the amount of 5% of the Bidder's maximum bid price, as specified in the Instructions to Bidders.

Each successful bidder will be required to furnish a corporate surety bond in an amount equal to 100% of its contract price. Said bond shall be issued by a responsible surety approved by City of Missouri Valley, Iowa and shall guarantee the faithful performance of the contract and the terms and conditions therein contained and shall guarantee the prompt payment of all material and labor, and protect and save harmless City of Missouri Valley, Iowa from claims and damages of any kind caused by the operations of the contract and shall also guarantee the maintenance of the improvement caused by failures in materials and construction for a period of two years from and after acceptance of the contract. The guaranteed maintenance period for new paving shall be four years.

Work on the Project shall commence within ten (10) days of a written Notice to Proceed. Contractor shall fully complete the project by (no later than) August 19, 2022. Should the contractor fail to complete the work in this timeframe, liquidated damages of \$250.00 per calendar day will be assessed for work not completed within the designated contract term.

To the extent allowed by Federal law and regulation, by virtue of statutory authority, a preference will be given to products and provisions grown and coal produced within the State of Iowa.

The City of Missouri Valley, Iowa does hereby reserve the right to reject any or all bids, to waive informalities, and to enter into such contract, or contracts, as it shall deem to be in the best interest of the jurisdiction.

Section 746 of Title VII of the Consolidated Appropriations Act of 2017 (Division A – Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2017) and subsequent statutes mandating domestic preference applies an American Iron and Steel requirement to this project. All iron and steel products used in this project must be produced in the United States. The term “iron and steel products” means the following products made primarily of iron or steel; lined or unlined pipes and fittings, manhole covers and other municipal castings, hydrants, tanks, flanges, pipe clamps and restraints, valves, structural steel, reinforced precast concrete, and Construction Materials. The following waivers

This Advertisement is issued by:

Owner: City of Missouri Valley, Iowa

By: Jodie Flaherty

Title: City Clerk

Date:

Section 8. All provisions set out in the attached forms of notice are hereby recognized and prescribed by the City Council and all resolutions or orders or parts thereof, to the extent the same may be in conflict herewith, are hereby repealed.

Passed and approved April 19, 2022.

Shawn Kelly, Mayor

Attest:

Jodie Flaherty, City Administrator

RESOLUTION 22-23

**RESOLUTION APPROVING THE TRANSFER OF FUNDS
FROM SEWER TO SEWER PROJECTS (WEST STREET)**

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 21/22 in the amount of \$97,243.01 from the Sewer Fund to Sewer Capital Projects Fund to reimburse expenses incurred from the West Street Project.

Sewer (610) to West Street Project (612) \$97,243.01

Passed and approved this 19th day of April, 2022.

Shawn Kelly, Mayor

ATTEST:

Jodie Flaherty, City Administrator

RESOLUTION 22-24

**RESOLUTION APPROVING THE TRANSFER OF FUNDS
FROM LOST TO GENERAL**

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 21/22 in the amount of \$60,000.00 from the Local Option Sales Tax Fund to the General Fund to reimburse expenses incurred from the Section 205 Study.

LOST (121) to General (001) \$60,000.00

Passed and approved this 19th day of April, 2022.

Shawn Kelly, Mayor

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 69.03 of the Code of Ordinances of the City of Missouri Valley, Iowa, are repealed and the following adopted in lieu thereof:

69.03 ANGLE PARKING.

Angle or diagonal parking is permitted only in the following locations:

(Code of Iowa, Sec. 321.361)

1. Fifth Street, on the east side, from Erie Street to Huron Street;
2. Huron Street, on the north side, from Seventh Street to the alley between Seventh Street and Sixth Street;
3. Huron Street, on the north side, from Sixth Street to Fifth Street;
4. Huron Street, on the south side, from Fourth Street to the alley between Fourth Street and Fifth Street;
5. Eighth Street, on the east side, from Maple Street to Elm Street;
6. Ninth Street, on the east side, from Maple Street to Elm Street;
7. Huron Street, on the north side, from Fifth Street to the alley between Fifth Street and Sixth Street;
8. Ontario Street, on the north side, from Sixth Street to the alley between Sixth Street and Seventh Street;

- 9. Longview Road, on the east side, from Grove Street north 108 ft;
- 10. Fourth Street, on the east side, from Erie Street to the alley between Erie Street and Huron Street;
- 11. Fourth Street, on the east side, from Erie Street south to the alley;
- 12. Sixth Street, on the west side, from Ontario Street to the Erie Street.

SECTION 2. SEVERABILITY CLAUSE. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 3. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

Passed by the Council on the day of , 2022, and approved this day of , 2022.

Shawn Kelly, Mayor

ATTEST:

Jodie Flaherty, City Administrator

1st reading: March 29, 2022
2nd reading: April 5, 2022
3rd reading: April 19, 2022
Published:

I certify that the foregoing was published as Ordinance # on the day of , 2022.

Jodie Flaherty, City Administrator