

MITCHELLVILLE CITY COUNCIL  
REGULAR AGENDA

\*\*\* TENTATIVE AGENDA \*\*\*

Monday, June 6th, 2016 7:00 P.M. Regular Meeting  
Council Chambers, Mitchellville City Hall, 204 Center Avenue N

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ADA Compliance – Please inform the Staff prior to the meeting if you require any additional accommodations.}

1. CALL TO ORDER/ ROLL CALL
2. PLEDGE OF ALLEGIANCE
3. APPROVAL OF TENTATIVE AGENDA
4. CONSENT AGENDA:
  - A. Approve Claims for Payments of: \$164,303.80 includes (2) regular payrolls, May 20, 2016 and June 3, 2016, April 30 Special Council Meeting Minutes, May 14 Special Council Meeting Minutes, May 16 Regular Council Meeting Minutes and May 26, 2016 Special Council Minutes.
  - B. Accept Ken Thomas' Resignation from the Tree Board.
  - C. Library Board of Trustee's April 25, 2016 Regular Meeting Minutes and April Monthly Statistics

5. Public Audience General Comments-(Please Limit to 3 Minutes Each) No Council action.
6. Open Public Hearing Regarding Voluntary Annexation Request
7. Close Public Hearing Regarding Voluntary Annexation Request
8. Consider for approval Resolution 2016-38 requests for voluntary annexations into the city limits of the City of Mitchellville, Iowa. The request for annexation was submitted by IA-KY LLC, W. Edward Craig, President.

The properties are location in Beaver Township Section 3, Polk County, Iowa: Lot Two of the Official Plat of the South Half of the Southeast Quarter, Parcel 140-00047-000-000 and the Southeast Quarter of the Southwest Quarter, Parcel 140-00044-000-000 all in Section Three Township 79 North Range 22, West of the 5<sup>th</sup> P.M. Subject to the restrictions and easement of record. And Northeast one-quarter of the Southwest one-quarter lying South of the Railroad Right-of-Way in Section 3, Township 79 North, Range 22 West of the 5<sup>th</sup> P.M. in Polk County, containing 1.2 acres more or less, which is District 14-0, Parcel 140-00041-003-000.

Also a request for voluntary annexation, from Iowa Interstate Railroad, LTD for the following properties; parcel 140-00032-999-000 and 140-00047-999-000 in Polk County, Iowa which will connect the IA-KY LLC property to the Mitchellville City Limits.

9. Consider for approval Resolution 2016-39 Pay Rate Increase for Public Works Employee – Cory Eshelman.
10. Consider for approval Resolution 2016-40 Transferring Funds from TIF to LMI.
11. Consider for approval Resolution 2016-42 Transferring Sewer Funds for Fiscal Year 2016/2017.
12. Consider for approval Resolution 2016-43 Transferring Water Funds for Fiscal Year 2016/2017.

13. Consider for approval Resolution 2016-45 Employment Agreement and Establishing the Annual Salary for the City Administer.
14. Consider for approval the second reading of Ordinance 2118, Amending the City Code of Ordinance Chapter 25 City Tree Board, Chapter 135 Street Use and Maintenance, and Chapter 151 Trees.
15. Consider for approval the first reading of Ordinance 2119 Amending Chapter 92, Water Rate for Mitchellville, IA.
16. Consider for approval the first reading of Ordinance 2120 Amending Chapter 99, Sewer Rate for Mitchellville, IA.
17. Updates from Department Heads, Council Members and Mayor.
18. Public Audience General Comments-(Please Limit to 3 Minutes Each) No Council action.
19. Adjournment.

**POSTED JUNE 3, 2016**

**(NOTICE: THIS AGENDA IS SUBJECT TO CHANGE UP TO 24 HOURS PRIOR TO THE MEETING**

**City Of Mitchellville  
Regular Council Meeting  
Bills Approved  
May 2, 2016**

|                            |                               |           |
|----------------------------|-------------------------------|-----------|
| Aflac                      | Aflac Ins                     | 114.94    |
| Baker & Taylor             | Books                         | 134.06    |
| Bancard                    | Summer Programming            | 5,996.76  |
| Banyon Data Systems        | Software Support              | 2,385.00  |
| Blood, Larry               | Refund Bldg Permit Fee        | 64.75     |
| Century Link               | Telecomm                      | 646.16    |
| City of Mitchellville      | Water Deposit Refunds         | 249.00    |
| Colleciton Services Center | Payroll Withholding           | 909.22    |
| Craig, Mary                | Cleaning City hall            | 225.00    |
| Dillavou, Tammi            | Mileage Reimb                 | 155.00    |
| EMC Insurance              | Life Ins                      | 251.57    |
| IMWCA                      | Work Comp Ins Dep             | 4,862.00  |
| Iowa Dept of Nat Res       | Eshelman Cert                 | 60.00     |
| Iowa Dept of Revenue       | Garnishment                   | 594.40    |
| Ipers                      | May Ipers                     | 5,769.65  |
| IRS                        | 5/20 & 6/3 Withholdings       | 9,153.51  |
| John Deere Financial       | Mower Service                 | 677.19    |
| Joy, Sophie                | Water Deposit Refund          | 55.36     |
| Library Petty Cash         | Postage                       | 26.26     |
| Lust Contract Cleaning     | Janitorial                    | 800.00    |
| McManus Auto               | 2001 Ford Oil/Tires           | 83.65     |
| Mediacom                   | Telecomm                      | 171.72    |
| Menards                    | Tree Nursery & Paint          | 326.74    |
| Metro Waste Authority      | Garbage/Recycling             | 6,422.50  |
| Midwest Office Tech        | Copier Maint                  | 52.77     |
| Municipal Supply           | Touchpads/Meters/Supplies     | 1,165.50  |
| New Com Tech               | License Service Agreement     | 916.00    |
| O Halloran International   | 1999 International            | 1,972.33  |
| Payroll (2)                | Payroll 5/20 & 6/3            | 83,874.22 |
| Pickering, Ken             | Water Deposit Refund          | 69.45     |
| Quill                      | Office Supplies               | 270.53    |
| Racom Corp                 | Edacs                         | 183.26    |
| RR Sales                   | Ammo                          | 33.00     |
| SCS Construction Servcies  | Concrete/Landscaping          | 668.00    |
| Smith, Tammy/Michael       | Water Deposit Refund          | 26.19     |
| Spoerry, Derek             | Mileage/Meals/Kid Programming | 357.67    |
| Staples                    | Supplies/Printing             | 181.21    |
| Titan Machinery            | New Holland Front End         | 4,570.45  |
| Treasurer, State of IA     | May Withholdings/Sales Tax    | 3,240.00  |
| TruBank                    | TIF Payment                   | 9,889.89  |
| U.S. Post Office           | May UTB                       | 172.06    |
| US Cellular                | Telecomm                      | 89.49     |
| Van Ryswyk                 | Water line at Sewer Plant     | 4,867.99  |
| Verizon Wireless           | Telecomm                      | 80.02     |
| Wellmark                   | Health/Dental                 | 11,489.33 |

**Total Bills To Be Paid**

**164,303.80**

**FUNDS**

|                                  |                   |
|----------------------------------|-------------------|
| General Fund                     | 28,510.90         |
| Library - General                | 10,291.33         |
| EMS - General                    | 30.00             |
| Road Use Fund                    | 8,497.46          |
| Employee Benefits                | 10,178.15         |
| Tax Increment Financing          | 9,889.89          |
| Payroll Clearing                 | 59,480.72         |
| Water                            | 17,135.47         |
| Utility Deposits                 | 400.00            |
| Sewer                            | 19,889.88         |
| <b>Total Expenditure By Fund</b> | <b>164,303.80</b> |

**MITCHELLVILLE RECEIPTS FOR MARCH 2016**

|                         |                   |
|-------------------------|-------------------|
| GENERAL FUND            | 199,216.70        |
| LIBRARY - GENERAL       | 1,702.55          |
| EMS                     | 4,461.95          |
| ROAD USE TAX FUND       | 16,576.25         |
| EMPLOYEE BENEFIT        | 59,829.84         |
| EMERGENCY FUND          | 5,125.06          |
| TAX INCREMENT FINANCING | 10,921.58         |
| URBAN RENEWAL           | 0.10              |
| DEBT SERVICE            | 38,985.33         |
| SEWER REHAB PROJECT     | 26,497.77         |
| CEMETERY                | 0.89              |
| WATER FUND              | 28,971.87         |
| UTILITY DEPOSITS        | 200.43            |
| WATER SINKING           | 12,756.46         |
| SEWER FUND              | 19,811.34         |
| SEWER SINKING           | 6,146.67          |
| LIBRARY MEMORIAL        | 4.14              |
| <b>TOTAL</b>            | <b>431,208.93</b> |

**Mitchellville Public Library  
Board of Trustees Regular Meeting  
Monday, April 25, 2016 @ 7:00pm  
205 Center Avenue North, Mitchellville, Iowa 50169**

**Meeting called to order by:** Deb Thomas-Biggs at 7:00 pm.

**Roll Call:** Present: Deb Thomas-Biggs, Bob Harris, Jason Mooney and Tanya McDuffey present at 7:08pm during the start of "Other Business".

**Also Present:** Karen Spitler, Library Director

**Agenda:** Motion by Harris, second by Mooney to approve the agenda. Motion passed.

**City Liaison:** none

**Public Audience:** None

**Library Minutes:** Motion Thomas-Biggs, second by Harris to approve the meeting minutes for March 28, 2016. Motion passed.

**Treasurers Report:** Motion by Thomas-Biggs, second by Harris to accept and file the Treasurers Report. Motion passed.

**Monthly Bills:** Motion by Harris, second by Mooney to approve bills totaling \$ 3,525.30. Motion passed.

**Library Statistics:** Motion by Mooney, second by Harris to accept and file the Monthly Statistics. Motion passed.

**Director's Report:** Motion by Mooney, second by Harris to accept and file the Director's Report. Motion passed.

**Other Business:** Motion my McDuffey to accept the quote for landscaping/concrete work from SCS Contruction Services (Marty Stephenson) of \$4,668.00. Second by Mooney. Mooney called a vote as listed: Harris=yes, Thomas-Biggs- yes, McDuffy=yes, Mooney=yes.

**Director's Comments:** New rugs for the Library. The old rugs were taken by Lust cleaning.

**Trustee Comments:** None

**MITCHELLVILLE PUBLIC LIBRARY**  
**MONTHLY STATISTICS**  
**April 2016**

**Volunteers:**

# Volunteers 8

Hours Donated 52

**Circulation Statistics:**

**Total** 1182

ILL-Received 8

    Provided 7

**Public Internet Computer Usage:**

Desk Top 357

Lap Top 41

| <b>Programs</b> | <b># of Programs</b> | <b>Total Attendance</b> |
|-----------------|----------------------|-------------------------|
| Children        | 12                   | 43                      |
|                 |                      |                         |
| Teen            | 0                    | 0                       |
|                 |                      |                         |
| Adult           | 4                    | 17                      |
|                 |                      |                         |
| <b>Totals</b>   | <b>16</b>            | <b>60</b>               |

**Meeting Room use** 3

**Off-Site # of Programs** 4

|                    | <b>Added</b> | <b>Withdrawn</b> |
|--------------------|--------------|------------------|
| <b>Books</b>       | <b>26</b>    | <b>5</b>         |
|                    |              |                  |
| <b>Audio Books</b> | <b>0</b>     | <b>1</b>         |
|                    |              |                  |
| <b>DVDs</b>        | <b>6</b>     | <b>0</b>         |
|                    |              |                  |
| <b>Patrons</b>     | <b>10</b>    | <b>1</b>         |
|                    |              |                  |

**RESOLUTION 2016-38**

**A RESOLUTION APPROVING ANNEXING CERTAIN PARCELS OF REAL ESTATE OWNED BY IA-KY LLC, W. EDWARD CRAIG, PRESIDENT AND ANNEXING CERTAIN PARCELS OF REAL ESTATE OWNED BY IOWA INTERSTATE RAILROAD, LTD.**

**WHEREAS**, IA-KY LLC, W. Edward Craig, President, owner, has filed an application requesting that the following described real estate be annexed to the City of Mitchellville, Iowa; and

**WHEREAS**, Iowa Interstate Railroad, LTD, owner, has filed an application requesting that the following described real estate be annexed to the City of Mitchellville, Iowa:

**LEGAL DESCRIPTION**

The properties located in Beaver Township Section 3, Polk County, Iowa;

**Property 1:** Lot Two of the Official Plat of the South Half of the Southeast Quarter, Parcel 140-00047-000-000 and the Southeast Quarter of the Southwest Quarter, Parcel 140-00044-000-000 all in Section Three Township 79 North Range 22, West of the 5<sup>th</sup> P.M. Subject to the restrictions and easement of record. And Northeast one-quarter of the Southwest one-quarter lying South of the Railroad Right-of-Way in Section 3, Township 79 North, Range 22 West of the 5<sup>th</sup> P.M. in Polk County, containing 1.2 acres, more or less, which is District 14-0, Parcel 140-00041-003-000.

**Property 2:** Parcels 140-00032-999-000 and 140-00047-999-000 in Polk County, Iowa which will connect the IA-KY LLC property to the Mitchellville city limits.

**WHEREAS** it appears that IA-KY LLC, W. Edward Craig, President, is the only titleholder of the above described real estate property #1, and

**WHEREAS** it appears that Iowa Interstate Railroad, LTD is the only titleholder of the above described real estate property #2,

**NOW, THEREFORE**, Be it Adopted and Resolved by the Mitchellville City Council that the City Clerk is authorized to file a copy of the resolution, map and legal description of the territory involved with the Secretary of State, the County Board of Supervisors, each affected utility, and the Department of Transportation and the City Clerk is hereby authorized and directed to certify, upon the completion of such acts, the filing of the copies of the legal description, map and resolution with the Polk County Recorder, all as provided in the Code of Iowa.

Passed and approved this 6th day of June, 2016.

\_\_\_\_\_  
Jon Woods, Mayor

ATTEST:

\_\_\_\_\_  
Tammi Dillavou, Interim City Clerk

**RESOLUTION 2016-39**

**A RESOLUTION APPROVING A PAY RATE INCREASE FOR PUBLIC WORKS  
EMPLOYEE – CORY ESHELMAN**

**WHEREAS**, Cory Eshelman has taken and passed his Waste Water Treatment 1 Operator Certificate on May 20, 2016 and,

**WHEREAS**, it has been pre-approved by Council that all new water and waste water certifications received by Public Works Employees will be compensated with a fifty cents per hour increase,

**NOW, THEREFORE**, Be it Adopted and Resolved by the Mitchellville City Council that the rate of pay for Mitchellville employee Cory Eshelman would increase from \$17.86 to \$18.36 per hour effective with the June 3, 2016 payroll, pay period May 19 to June 1.

Passed and approved this June 6, 2016.

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Jon Woods, Mayor

ATTEST:

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Tammi Dillavou, Interim City Clerk

**RESOLUTION 2016-40**

**A RESOLUTION TRANSFERRING FUNDS FROM TIF TO LMI**

**WHEREAS**, the City Council approves transfers between funds and,

**WHEREAS**, the City Books should now indicate the appropriate transfer,

**NOW, THEREFORE**, Be it Adopted and Resolved by the Mitchellville City Council that the City Clerk be directed to make said transfers as follows:

Transferred from : TIF – Cash 125-1110

Transferred to: LMI – Cash 126-1110

Amount: \$3,713.81

Explanation of Activity: transfer balance to LMI fund, per agreement and TIF requirements for TIF monies received from December 2015 through May 2016.

All resolution in conflict with the resolution are hereby repealed.

Passed and approved this June 6, 2016.

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Jon Woods, Mayor

ATTEST:

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Tammi Dillavou, Interim City Clerk

**RESOLUTION 2016-42**

**A RESOLUTION TRANSFERRING SEWER FUNDS FOR FISCAL YEAR 2016-2017**

**WHEREAS**, the City Council approves transfers between funds and the accounting system should now indicate the appropriate transfers,

**NOW, THEREFORE, Be it Adopted and Resolved** by the Mitchellville City Council that the City Clerk be directed to make said transfers as follows:

**CASH TRANSFERS:**

Transferred from: Sewer – Cash 610-1110

Transferred to: Sewer Sinking – Cash 615-1110

**MONTHLY TRANSFER** Amount = \$6,213.33

Explanation of Activity: Monthly transfer out of sewer to sewer sinking, loan paid out of water sinking for a total amount of \$74,560.00 for Principal, interest and fees associated with FY17 Revenue Debt Payments.

All resolutions in conflict with this resolution are hereby repealed. This resolution shall be effective June 6<sup>th</sup>, 2016.

Passed and approved this 6th day of June, 2016.

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Jon Woods, Mayor

ATTEST:

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Tammi Dillavou, Interim City Clerk

**RESOLUTION 2016-43**

**A RESOLUTION TRANSFERRING WATER FUNDS FOR FISCAL YEAR 2016-2017**

**WHEREAS**, the City Council approves transfers between funds and the accounting system should now indicate the appropriate transfers,

**NOW, THEREFORE, Be it Adopted and Resolved** by the Mitchellville City Council that the City Clerk be directed to make said transfers as follows:

**CASH TRANSFERS:**

Transferred from: Water – Cash 600-1110

Transferred to: Water Sinking – Cash 605-1110

**MONTHLY TRANSFER** Amount = \$11,465.00

Explanation of Activity: Monthly transfer out of water to water sinking, loan paid out of water sinking for a total amount of \$137,580.00 for Principal, interest and fees associated with FY17 Revenue Debt Payments.

All resolutions in conflict with this resolution are hereby repealed. This resolution shall be effective June 6<sup>th</sup>, 2016.

Passed and approved this 6th day of June, 2016.

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Jon Woods, Mayor

ATTEST:

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Tammi Dillavou, Interim City Clerk

**RESOLUTION 2016-45**

**A RESOLUTION APPROVING AN EMPLOYMENT AGREEMENT AND ESTABLISHING  
THE ANNUAL SALARY FOR THE CITY ADMINISTRATOR**

**WHEREAS**, the City Council, Mayor, and City Administrator Candidate have agreed to the terms of the Employment Agreement for the City Administrator, and

**WHEREAS**, the Employment Agreement establishes the annual salary to be set by Resolution for City Administrator, Gregory Crocker,

**NOW, THEREFORE, Be it Adopted and Resolved** by the Mitchellville City Council that the Employment Agreement with the City Administrator, Gregory Crocker, is approved, establishing an annual base salary of \$59,000, effective July 7<sup>th</sup>, 2016.

All resolutions in conflict with this resolution are hereby repealed. This resolution shall be effective June 6<sup>th</sup>, 2016.

Passed and approved this 6th day of June, 2016.

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Jon Woods, Mayor

ATTEST:

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Tammi Dillavou, Interim City Clerk

**ORDINANCE # 2118**

**AN ORDINANCE AMENDING CITY CODE OF ORDINANCE CHAPTER 25 CITY TREE BOARD, CHAPTER 135 STREET USE AND MAINTENANCE AND CHAPTER 151 TREES**

**WHEREAS**, the city code of the City of Mitchellville has three Chapters (25, 135, and 151) that deal, in some manner, with issues relating to trees,

**WHEREAS**, the City Council wishes to revise, amend, and clarify the chapters of the city code of Mitchellville that relates to trees,

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Mitchellville that the city code reads as follows:

**CHAPTER 25, CITY TREE BOARD**

***Municipal Code Section 25.04 is amended to read as follows:***

Duties and Responsibilities. It is the responsibility of the Board to study, investigate, and to develop and/or update annually a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees, shrubs, vegetation along the City streets or on any City property. Yearly plans should be reviewed and approved by the City Council annually. The Board, when requested by the Council, shall consider, investigate, make findings, report, and recommend upon any special matter or question coming within the scope of its work. All recommendations are done as an advisory inquiry only, it is the authority of the City Council for city tree care.

***Municipal Code Section 25.05 is amended to read as follows:***

Operation. The Board shall choose its own officers, make its own regulations and keep a journal of its proceedings. A majority of the members shall be quorum for the transaction of business.

***Municipal Code Section 25.06 is removed in its entirety.***

**CHAPTER 135, STREET USE AND MAINTENANCE**

***Municipal Code Section 135.10 is amended to read as follows:***

Maintenance of Parking or Terrace. It shall be the responsibility of the abutting property owner to maintain all property outside the lot and property lines and inside the curb lines upon the public streets, except that the abutting property owner shall not be required to remove diseased trees or dead wood on publicly owned property or right-of-way. Maintenance includes timely mowing, trimming trees and shrubs and picking up litter. The City has the authority to remove trees that are dead or diseased and that are on city right-of-way. If a tree should be found to be dead or diseased, the City will give the property owner a ten (10) day notice when applicable.

***Municipal Code Section 135.11 is amended to read as follows:***

Failure to Maintain Parking or Terrace. If the abutting property owner does not perform an action required under the above section within thirty (30) days, the City may perform the required action and assess the cost against the abutting property for collection in the same manner as a property tax.

**CHAPTER 151 TREES**

***Municipal Code Section 151.02 is amended to read as follows:***

Street Tree Species to be Planted. No person shall plant any tree in the parking or street without a permit issued by the City Council. A list of official street trees can be obtained at City Hall upon request.

***Municipal Code Section 151.08 is amended to read as follows:***

Public Tree Care. The City has a right to plant, prune, maintain and remove trees, plants and shrubs within the lines of all streets, alleys, avenues, lanes, square and public grounds, as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such public grounds. If the abutting property owner fails to trim the trees, the City may serve notice on the abutting property owner requiring action be taken within thirty (30) days. If such action is not taken within the time, the City may perform the required action and assess the costs against the abutting property for collection in the same manner as a property tax. The City Tree Board may make recommendations or requests for a tree to be removed, trimmed or treated to the City Council. This section does not prohibit the planting of street trees by adjacent property owners providing that the selection and location of said trees is in accordance with this chapter.

***Municipal Code Section 151.09 is amended to read as follows:***

Tree Topping. It is unlawful as a normal practice for any person or City department to top any street tree, park tree or other tree on public property. Topping is defined as the sever cutting back of limbs to stubs larger than three (3) inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical, may be exempted from this section at the determination of the City Council.

***Municipal Code Section 151.13 is removed in its entirety.***

All ordinances or part of ordinances in conflict with the provision of this ordinance are hereby repealed. Should any section, part or provision of this ordinance be judged invalid, such adjudication shall not affect the validity of the remainder of this ordinance.

This ordinance shall be in full force and effect upon its passage, approval and publication as provided by law.

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2016

\_\_\_\_\_  
Mayor Jon Woods

ATTEST:

\_\_\_\_\_  
Tammi Dillavou, Interim City Clerk

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

Third Reading: \_\_\_\_\_

Publish Date: \_\_\_\_\_

**ORDINANCE # 2119**

**AN ORDINANCE APPROVING AMENDING CHAPTER 92, WATER RATE FOR MITCHELLVILLE, IA**

**WHEREAS**, the Mitchellville City Council approved an increase to city water rates annually; based upon current rates plus the multiplication of the preceding year’s Consumer Price Index (Ordinance #2088),

**WHEREAS**, the C.P.I. for the period of March 2015 to March 2016 for Water Maintenance is 4.3 percent,

**WHEREAS**, the City Council would like to create a tier billing system, establishing a higher rate for heavy consumption users to better proportion the water charges to match the percentage used.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Mitchellville that Section 92.02 of the Municipal Code be stricken in its entirety and replaced with the following:

**92.02 RATES FOR SERVICE:**

Water service shall be furnished at the following schedule:

|                         | <b>7/1/2015</b> | <b>7/1/2016</b> |
|-------------------------|-----------------|-----------------|
| Base Rate Residents     | 10.36           | 9.25            |
| Base Rate Non Residents | 15.54           | 16.21           |

| Rates per 1,000 gallons usage per month                | <b>7/1/2015</b> | <b>7/1/2016</b> |
|--|-----------------|-----------------|
| Tier One Residents – 1 to 20,000 Gallons a month       | 8.05            | 8.40            |
| Tier One Non Residents – 1 to 20,000 Gallons a month   | 12.07           | 12.59           |
| Tier Two Residents – 20,001 and up Gallons a month     | 8.05            | 9.89            |
| Tier Two Non Residents – 20,001 and up Gallons a month | 12.07           | 13.91           |

All ordinances or part of ordinances in conflict with the provision of this ordinance are hereby repealed. Should any section, part or provision of this ordinance be judged invalid, such adjudication shall not affect the validity of the remainder of this ordinance.

This ordinance shall be in full force and effect upon its passage, approval and publication as provided by law.

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2016

\_\_\_\_\_  
Mayor Jon Woods

First Reading: \_\_\_\_\_  
Second Reading: \_\_\_\_\_  
Third Reading: \_\_\_\_\_  
Publish Date: \_\_\_\_\_

ATTEST:  
\_\_\_\_\_  
Tammi Dillavou, Interim City Clerk

**ORDINANCE # 2120**

**AN ORDINANCE APPROVING AMENDING CHAPTER 99, SEWER RATE FOR MITCHELLVILLE, IA**

**WHEREAS**, the Mitchellville City Council approved an increase to city sewer rates annually; based upon current rates plus the multiplication of the preceding year’s Consumer Price Index (Ordinance #2094),

**WHEREAS**, the C.P.I. for the period of March 2015 to March 2016 for Sewer Maintenance is 4.3 percent,

**WHEREAS**, the City Council would like to create a tier conservation billing system, establishing a higher rate for heavy consumption users to better proportion the sewer charges to match the percentage used.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Mitchellville that Section 92.02 of the Municipal Code be stricken in its entirety and replaced with the following:

99.02 RATES FOR SERVICE:

Sewer service shall be furnished at the following schedule:

|                         | <b>7/1/2015</b> | <b>7/1/2016</b> |
|-------------------------|-----------------|-----------------|
| Base Rate Residents     | 2.00            | 2.00            |
| Base Rate Non Residents | 3.00            | 3.00            |

| Rates per 1,000 gallons usage per month                | <b>7/1/2015</b> | <b>7/1/2016</b> |
|--|-----------------|-----------------|
| Tier One Residents – 1 to 20,000 Gallons a month       | 7.67            | 8.00            |
| Tier One Non Residents – 1 to 20,000 Gallons a month   | 11.50           | 12.99           |
| Tier Two Residents – 20,001 and up Gallons a month     | 7.67            | 9.00            |
| Tier Two Non Residents – 20,001 and up Gallons a month | 11.50           | 12.99           |

All ordinances or part of ordinances in conflict with the provision of this ordinance are hereby repealed. Should any section, part or provision of this ordinance be judged invalid, such adjudication shall not affect the validity of the remainder of this ordinance.

This ordinance shall be in full force and effect upon its passage, approval and publication as provided by law.

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2016

\_\_\_\_\_  
Mayor Jon Woods

First Reading: \_\_\_\_\_  
Second Reading: \_\_\_\_\_  
Third Reading: \_\_\_\_\_  
Publish Date: \_\_\_\_\_

ATTEST:  
\_\_\_\_\_  
Tammi Dillavou, Interim City Clerk