

**MITCHELLVILLE CITY COUNCIL
REGULAR AGENDA**

*** TENTATIVE AGENDA ***

Monday, September 19, 2016 7:00 P.M. Regular Meeting
Council Chambers, Mitchellville City Hall, 204 Center Avenue N

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: \$72,295.25 includes (1) regular payroll, financial reports and September 6, 2016 Council Minutes.
5. Public Audience General Comments-(Please Limit to 3 Minutes Each) No Council action.
6. Public Hearing regarding Voluntary Annexation and Consideration of Resolution 2016-62 "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.":
 - A. Lot two of the Official Plat of the South Half of the Southeast Quarter and the Southeast Quarter of the Southwest Quarter, all in Section Three, Township 79 North, Range 22 West, of the 5th 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 5th P.M. in Polk County, Iowa containing 1.2 acres, more or less. This annexation also includes all adjacent road right-of-way to the centerline of the adjacent road segments of NE 104th Street and NE 62nd Ave.
 - B. That part of the 100 foot wide Railroad right-of-way lying in the South ½ of Section 2, Township 79 North, Range 22 West, of the 5th P.M. in Polk County, Iowa and that part of the 100 foot wide Railroad right-of-way lying in the Southeast ¼ of Section 3, Township 79 North, Range 22 West, of the 5th P.M. in Polk County, Iowa.
7. ISG Engineering-Splash Pad Presentation/Proposal.
8. Third Reading Ordinance 2016-04 "Dangerous Buildings".
9. Consider Resolution 2016-61 "Designating Certain Positions as 'Critical'".
10. Updates from Council Members and Mayor
11. Public Audience General Comments-(Please Limit to 3 Minutes Each) No Council action.
12. Adjournment.

POSTED SEPTEMBER 13, 2016

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

**City Of Mitchellville
List of Bills Approved
September 19th, 2016**

A One Janitorial	Herbicide	339.86
Bancard	Conf/Eq Rent/GoDaddy/Paper	2,443.65
Brick Gentry	Legal Fees	6,055.15
Craig, Mary	Cleaning City Hall	150.00
Daktronics	Service Agreement	490.00
Des Moines Register	Publications	232.89
Heartland Co-op	Fuel	431.68
Interstate Battery	1995 Dodge	113.95
Interstate Powersystems	Water Plant Servcie Call	634.12
Iowa Dept of Revenue	Garnishment	297.20
Iowa One Call	Locates	44.10
IRS	Sept 9 Withholdings	5,466.08
Keystone	Testing/Sampling	170.00
McManus Automotive	96 Dodge Tire	435.00
Medicom	Library Telecomm	128.16
Menards	Supplies	16.13
Metro Waste Authority	Garbage Stickers/Drop offs	239.68
MidAmeircan	Utility	6,552.51
Overdrive	Bridges Ebook	444.86
Payroll 9/9/2016	Payroll	46,347.04
Quill	Supplies	67.49
Senior Luncheon Club	Senior Lunches	1,000.00
State Library of IA	Host Database Fees	195.70

Total Bills To Be Paid

72,295.25

General Fund	19,123.23
Library General	2,892.12
Road Use Fund	4,123.26
Employee Benefits	5,068.70
Payroll Clearing	21,644.03
Water	9,808.46
Sewer	9,635.45
Total Expenditure By Fund	72,295.25

Mitchellville City Council Proceedings
Regular Meeting, September 6, 2016 Minutes

The Mitchellville City Council met in regular session at 7:00 pm in the council chambers of City hall, 204 Center Ave N, pursuant to notice.

Mayor Woods called the meeting to order, roll call, members present: Crook, McGhee, Zook, Mitchell and Sanger. Motion made by McGhee, second by Crook to approve tentative agenda. Motion carried unanimous.

Motion made by McGhee, second by Zook, to approve the consent agenda, which approved payment of bills of \$133,982.28, including 1 regular payroll, August 15, 2016 Council minutes, June 13 & July 26 Library Board Minutes, July Library Statistics and Department Head Reports. Motion carried unanimous.

Public Audience: None

Alex Lynch gave a presentation on the new marketing campaign for East Polk Regional Development.

Motion made by Mitchell, second by Crook, to consider for approval the second reading of Ordinance 2121, Amending City Code Chapter 46 Minors. Zook questioned why we are passing this ordinance when most of us agree that it is not perfect. Sanger stated that we need to start over to get it right. Mitchell agreed. She thought it was supposed to be discussed and written at a meeting, instead of being presented for a vote. Ayes: Crook. Nays: Zook, Mitchell, McGhee and Sanger. Motion Failed. The ordinance will be discussed at a future work session.

Motion made by Mitchell, second by Sanger, to approve Resolution 2016-56, Transfer of Funds from General Fund to Library Fund. Motion carried unanimous.

Motion made by Mitchell, second by Zook, to table Resolution 2016-59, Standard Operating Procedures for Citizen Complaints, to a future work session. Motion carried unanimous.

Motion made by Mitchell, second by Sanger, to approve Resolution 2016-60, Social Media Policy. Administrator Crocker shared that this policy is based on Pleasant Hill's policy. It will protect the city and gives the city the right to take items and comments down. Sanger questioned who would monitor. Greg stated that he would receive an email when there is a posting, so he will be monitoring it 24/7. Zook reiterated that the policy states no advertising, but that does not apply to non-profits. They would be able to advertise their special events.

Motion made by Crook, second by Sanger, to set Beggar's Night as Sunday, October 30th, from 6:00 to 8:00 pm. Motion carried unanimous.

Motion made by Sanger, second by Crook, to table Ordinance 2016-03, Operation of Golf Carts to a future work session. Motion carried unanimous.

Motion was made by McGhee, second by Crook, to approve Ordinance 2016-04, Dangerous Buildings. Motion carried unanimous. Motion made by McGhee, second by Zook, to waive the second reading of Ordinance 2016-04. Motion carried unanimous.

Administrator Crocker asked for direction in going ahead with updating the city's Comprehensive Plan. In the past the city used ISU and Pat Callahan. The Council recommended sending out RFPs (requests for proposals.)

The Council discussed a residency requirement for employees. Administrator Crocker shared that the city attorney stated that the city cannot require an employee to reside in the city limits, unless the city has established critical positions. The city can require critical employees to reside within a certain response time or specified distance. This item will be discussed further at a future work session.

Updates were given by Department Heads, Council Members, and Mayor. Crook shared reports of kids doing damages at the park, climbing on picnic tables and the shelter houses. McGhee reported on a Water Usage meeting that he attended. More of Des Moines' suburbs are looking to put in their own water systems due to Des Moines Water Works projecting huge increases in rates. Mitchell reported on the Library Board meeting. Zook shared that he had received a couple of complaint on the water condition and the road repairs on Cotton Ave. He also stated that he had received a quote for the dugout covers and will be proceeding. Sanger shared that he had also received complaints on the Cotton Ave repairs. He stated that we need to change the unmarked police car into a city vehicle with regular plates. Director Spitler shared that the library is busy getting ready for Thomas Mitchell Days. Chief Twohey reported that the fire station has new windows. The fire department will be serving walking tacos on Thursday of Thomas Mitchell Days. They have seven new applicants that will soon come to Council for approval. Sanger would like a break-down on the police overtime and part-time hours. Lt. Spoerry shared that the police will host a bike rodeo on the Thursday of TMD. Crocker stated he has upcoming meetings with a potential new business and with DART. Mayor Woods shared his upcoming meetings with Metro Waste Authority and MAC. He has received on estimate of \$7,000 for the park engineering plan.

Public Audience: None

Motion made by Sanger, second by Crook to adjourn the meeting. Motion carried unanimous.

Meeting adjourned at 8:05 pm.



Jon Woods, Mayor

ATTEST:



Tammi Dillavou, City Clerk

RESOLUTION 2016-62

**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 2 and Section 3, Polk County, Iowa;

Property 1: Lot Two of the Official Plat of the South Half of the Southeast Quarter and the Southeast Quarter of the Southwest Quarter, all in Section Three Township 79 North Range 22, West of the 5th 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 5th P.M. in Polk County, containing 1.2 acres, more or less. This annexation also includes all adjacent road right-of-way to the centerline of the adjacent road segments of NE 104th St. and NE 62nd Ave.

Property 2: That part of the 100 foot wide Railroad right-of-way lying in the South ½ of Section 2, Township 79 North, Range 22 West, of the 5th P.M. in Polk County, Iowa and that part of the 100 foot wide Railroad right-of-way lying in the Southeast ¼ of Section 3, Township 79 North, Range 22 West, of the 5th P.M. in Polk County, Iowa.

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 City Development Board, 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 September 19th, 2016

Jon Woods, Mayor

ATTEST:

Tammi Dillavou, City Clerk

ORDINANCE 2016-04

An Ordinance Addressing Dangerous Buildings

WHEREAS, the City Council of the City of Mitchellville, Iowa, is aware of dangerous buildings located within the corporate limits of the City; and

WHEREAS, the City Council of the City of Mitchellville, Iowa, has a duty to protect the citizens of Mitchellville, Iowa; and

WHEREAS, the City Council of the City of Mitchellville, Iowa deems that there is a need to regulate dangerous buildings within the corporate limits of Mitchellville, Iowa:

BE IT THEREFORE ORDAINED by the City Council of the City of Mitchellville, Iowa:

1.01 ENFORCEMENT OFFICER. The City Administrator is responsible for the enforcement of this ordinance.

1.02 GENERAL DEFINITION OF UNSAFE. All buildings or structures which are structurally unsafe or not provided with adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use constitute a hazard to safety or health, or public welfare, by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment, are, for the purpose of this ordinance, unsafe buildings. All such unsafe buildings are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedure specified in this ordinance.

(Code of Iowa, §657A.1 & 364.12[3a])

1.03 “Unsafe building” means any structure or mobile home meeting any or all of the following criteria:

1. Collapse of a member. Whenever any portion or member or appurtenance thereof is likely to fall, or become detached or dislodged, or to collapse and thereby injure persons or damage property.
2. Wind Resistance. Whenever any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting a wind pressure of ninety (90) pounds per square foot.
3. Material Deterioration. Whenever any portion thereof has cracked, warped, buckled, or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction.

4. Various Inadequacies. Whenever the building or structure, or any portion thereof, because of (a) dilapidation, deterioration, or decay; (b) faulty construction; (c) the removal, movement, or instability of any portion of the ground necessary for the purpose of supporting such building; (d) the deterioration, decay or inadequacy of its foundation; or (e) any other cause, is likely to partially or completely collapse.
5. Manifestly Unsafe. Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.
6. Exterior Walls. Whenever the exterior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one-third of the base.
7. Deterioration. Whenever the building or structure, exclusive of the foundation, shows thirty-three percent (33%) or more damage or deterioration of its supporting member or members, or fifty percent (50%) damage or deterioration of its non-supporting, enclosing or outside walls or coverings.
8. Damaged Structurally. Whenever the building or structure has been damaged by fire, wind, earthquake or flood, or has become so dilapidated or deteriorated as to become (a) an attractive nuisance to children; (b) a harbor for vagrants, criminals or immoral persons; or as to (c) enable persons to resort thereto for the purpose of committing unlawful or immoral acts.
9. Inadequate Maintenance. Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, or otherwise, is determined by any health officer to be unsanitary, unfit for human habitation or in such condition that it is likely to cause sickness or disease.
10. Fire Hazard. Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections or heating apparatus, or other cause, is determined by the Fire Marshal or Fire Chief to be a fire hazard.
11. Public Nuisance. Whenever any building or structure is in such a condition as to constitute a public nuisance known to the common law or in equity jurisprudence.
12. Abandoned. Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six (6) months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.
13. Any building or structure that does not comply with applicable Building, Plumbing, Electrical, Maintenance or Similar Codes.

1.04 NOTICE TO OWNER. The enforcement officer shall examine or cause to be examined every building or structure or portion thereof reported as dangerous or damaged and, if such is found to be an unsafe building as defined in this ordinance, the enforcement officer shall give to the owner of such building or structure written notice stating the defects thereof. This notice may require the owner or person in charge of the building or premises, within forty-eight (48) hours or such reasonable time as the circumstances require, to commence either the required repairs or improvements or demolition and removal of the building or structure or portions thereof, and all such work shall be completed within ninety (90) days from the date of notice, unless otherwise stipulated by the enforcement officer. If necessary, such notice shall also require the building, structure, or portion thereof to be vacated forthwith and not reoccupied until the required repairs and improvements are completed, inspected and approved by the enforcement officer.

(Code of Iowa, §364.12[3h])

1. Notice Served. Such notice shall be served by sending by certified mail to the owner of record, according to §364.12[3h] of the Code of Iowa, if the owner is found within the City limits. If the owner is not found within the City limits such service may be made upon the owner by registered mail or certified mail. The designated period within said person or owner in charge is required to comply with the order of the enforcement officer shall begin as of the date of the notice.
2. Hearing. Such notice shall also advise the owner that he or she may request a hearing before the City Council on the notice by filing a written request for hearing within the time provided in the notice.

1.05 CONDUCT OF HEARING. If requested, the City Council shall conduct a hearing in accordance with the following:

1. Notice. The owner of record shall be served with written notice specifying the date, time and place of hearing.
2. Owner's Rights. At the hearing, the owner may appear and show cause why the alleged nuisance shall not be abated.
3. Determination. The City Council shall make and record findings of fact and may issue such order as it deems appropriate.

1.06 POSTING OF SIGNS. The enforcement officer shall cause to be posted at each entrance to such building a notice to read :”DO NOT ENTER. UNSAFE TO OCCUPY. CITY OF MITCHELLVILLE, IOWA.” Such notice shall remain posted until the required repairs, demolition, or removal are completed. Such notice shall not be removed without written permission of the enforcement officer and no person shall enter the building except for the purpose of making the required repairs or of demolishing the building or structure.

1.07 RIGHT TO DEMOLISH. In case the owner fails, neglects, or refuses to comply with the notice to repair, rehabilitate, or to demolish and remove the building or structure or portion thereof, the City Council may order the enforcement officer to proceed with the work specified in such notice. A statement of the cost of such work shall be transmitted to the City Council.

(Code of Iowa, §364.12[3h])

1.08 COSTS. Costs incurred under section 1.07 shall be paid out of the City treasury. Such costs shall be charged to the owner of the premises involved and levied as a special assessment against the land on which the building or structure is located, and shall be certified to the County Treasurer for collection in the manner provided for other taxes.

(Code of Iowa §364.12[3h])

1.09 SEVERABILITY CLAUSE. All ordinances or parts of ordinances in conflict herewith are hereby repealed. Should any section, part or provision of this ordinance be adjudged invalid, such adjudication shall not affect the validity of the remainder of this ordinance.

1.10 WHEN EFFECTIVE. This ordinance shall be in full force and effect upon its passage and publication as required by law.

Passed this ____ day of September, 2016.

Jon Woods, Mayor

ATTEST:

1st Reading: _____
2nd Reading: _____
3rd Reading: _____
Published: _____

Tammi Dillavou, City Clerk

RESOLUTION 2016-61

RESOLUTION DESIGNATING CERTAIN POSITIONS AS “CRITICAL”

WHEREAS, the City Council of the City of Mitchellville, Iowa, are charged with the safety of its citizens; and

WHEREAS, the City Council of the City of Mitchellville, Iowa, has determined that certain employment positions should have residency restrictions to insure prompt response times;

BE IT THEREFORE RESOLVED:

The following employment positions are hereby deemed critical for the operation of the City, especially during emergency situations:

1. City Administrator
2. Chief of Police
3. Public Works Director

Any person employed after September 19, 2016 in one of the above mentioned positions will be required to live within 5 miles of the corporate limits of the City of Mitchellville, although this requirement may be waived by the City Council of the City of Mitchellville, Iowa.

Passed and adopted this 19th day of September, 2016.

ATTEST:

Jon Woods, Mayor

Tammi Dillavou, City Clerk