

**EVERLY CITY COUNCIL
MINUTES OF MAY 18, 2009**

The Everly City Council held a public hearing to consider the FY2009 proposed budget amendment on Monday, May 18, 2009 at 7:30 pm. Mayor Bud Meyer called the meeting to order and declared the public hearing open at 7:35 pm. Council members present were: Cathy Adkins, Steve Rank, Ron Thompson, Bud Meyer, and Sheryl Kahl. Also present were: Arlene Meyer, Everly Royal News; Bruce Harden, Utility Manager; Russ Mitchell, Daily Reporter; Brian & Chloe Kahl, Everly Residents; Kate Rice, City Clerk; Janice Thompson, Finance Officer. Janette Trojahn arrived at 7:38 pm.

Mayor Meyer asked for comments on the proposed budget amendment. The Clerk reported that she had received neither oral nor written comments. Council members had not received comments. There were no comments from those present. The Mayor declared the public hearing portion closed at 7:36 pm.

Motion by Adkins to approve Resolution No. 2009-10 FY2009 Budget Amendment as presented. Seconded by R. Thompson. Voting aye: Adkins, Rank, R. Thompson, Kahl. Nay: None.

Motion by R. Thompson, seconded by Adkins to approve the consent agenda: minutes of the April 20, 2009 meeting, financial reports and claims. Voting aye: all. Nay: none.

Janette Trojahn arrived at 7:38 pm.

Peterson Heights properties were discussed. A motion was made by Trojahn, seconded by R. Thompson to sell a second lot, to the East of their current lot, to Brian & Sheryl Kahl for \$1.00, and to continue with course of action on Lot 9. Voting aye: all. Nay: none. Abstaining: Sheryl Kahl.

A motion by Rank, seconded by Adkins to approve Resolution No. 2009-09 Designation Temporarily Closed Streets was made. Voting aye: Adkins, Rank, R. Thompson, Kahl, and Trojahn. Voting nay: none.

**RESOLUTION NO. 2009-09
A RESOLUTION DESIGNATING TEMPORARILY CLOSED STREETS**

WHEREAS, the Everly City Council Members have public safety in mind during community events; and,

WHEREAS, the City Council expects a large group of people in the city of Everly on July 17, 18, 19, 2009;

NOW, THEREFORE BE IT RESOLVED, by the City Council of Everly that the following streets be closed from 12:01 a.m. on Friday, July 17TH, 2009, until 7:00 p.m. on Sunday, July 19th, 2009:

1. Main Street from Third Street to First Street
2. Second Street from Ocheyedan Street to Main Street

3. West Fifth Street from Ocheyedan Street to Main Street

BE IT FURTHER RESOLVED, by the City Council of Everly that the following streets be closed from 10:00 a.m. on Saturday, July 18TH, 2009, until 12:30 p.m. on Saturday, July 18th, 2009:

1. Ocheyedan Street from 330th Street to 340th Street
2. First Street from Ocheyedan Street to Rumsey Street
3. Rumsey Street from First Street to Second Street
4. Second Street from Rumsey Street to Washington Street
5. Washington Street from Second Street to Third Street
6. Third Street from Washington Street to Main Street
7. Main Street from Third Street to 330th Street

BE IT FURTHER RESOLVED, by the City Council of Everly that the following streets be closed from 10:00 a.m. on Saturday, July 18TH, 2009, until 7:00 p.m. on Sunday, July 19th, 2009:

1. Main Street from Fourth Street to First Street
2. First Street from Ocheyedan Street to Main Street
3. Second Street from Main Street to Adams Street

BE IT FURTHER RESOLVED, by the City Council of Everly that the following streets be closed from 4:00 p.m. on Wednesday, July 15th, 2009, until 7:00 pm on Sunday, July 19, 2009:

1. Second Street from Ocheyedan Street to Main Street

All resolutions or parts of resolutions in conflict with the provisions of this resolution are hereby repealed.

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

This resolution shall be in effect after its final passage and approval as provided by law.

Passed and approved this 18th day of May, 2009.

An outdoor beer garden permit for the Ranch was discussed. A map was shown and placed on file. A motion by Rank to approve the permit for July 17th and 18th, 2009 for an outdoor beer garden to the north of the Ranch, in the vacant lot, was made. Seconded by Adkins. Voting aye: all. Nay: none.

Brian & Chloe Kahl left at 8:09 pm.

Steve Rank opened the new business portion of the meeting by giving his Resignation, effective immediately to the council. The council thanked Steve for his service. Steve Rank and Russ Mitchell left the meeting at 8:15 pm.

There was a request from Randy Meyer to help fund his Eagle Scout Project. A motion by R. Thompson, seconded by Trojahn was made to sponsor the cost of 2 fire rings. Voting aye: all. Nay: none.

A motion was made by Trojahn, seconded by Adkins to order Ordinance No. 2009-01 to be read and placed on file. Voting Aye: Adkins, Thompson, Kahl, and Trojahn. Voting nay: None.

A motion was made by Trojahn, seconded by Adkins to waive the required three reading of Ordinance No. 2009-01. Voting Aye: Adkins, Thompson, Kahl, and Trojahn. Voting nay: None.

A motion was made by Trojahn, seconded by Adkins approve Ordinance No. 2009-01. Voting Aye: Adkins, Thompson, Kahl, and Trojahn. Voting nay: None.

ORDINANCE NO. 2009-01
AN ORDINANCE ENACTING UTILITY RATES AND USER FEES
FOR THE CITY OF EVERLY

WHEREAS the Everly City Council along with the Everly Municipal Utility Board of Trustees have reviewed City fees and utility rates; and,

WHEREAS the City Council and the Utility Board have found certain fees and rates need to be adjusted;

NOW, THEREFORE, BE IT ORDAINED THAT the following fees and rates be adopted replacing Appendix B to the 2000 Everly City Code:

Section 1. STREET DEPARTMENT FEES

All street department fees include labor for one operator unless otherwise noted:

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|-----|---|------------------------------|
| 1. | Tractor (per hour) | \$70.00 |
| 2. | Truck, with or without snow plow (per hour) | \$60.00 |
| 3. | Light truck (per hour) | \$45.00 |
| 4. | Small mower/tractor (per hour) | \$100/hr - \$100 minimum |
| 5. | Street repair labor (per hour) | \$60.00 |
| 6. | Sidewalk snow removal/ice control
(per hour + invoice cost of materials) | \$50.00/hour – \$150 minimum |
| 7. | Street roller (per hour) | \$60.00 |
| 8. | Hauling fees (per hour -- loading labor additional) | \$70.00 |
| 9. | Street repair materials | Per invoice + labor |
| 10. | Rented equipment | Per invoice + labor |

Section 2. POLICE DEPARTMENT FEES

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|----|---------------------------------|-----------------|
| 1. | Towing fee | Per invoice |
| 2. | Vehicle impoundment/storage fee | \$35.00 per day |
| 3. | Bicycle license | No charge |

Section 3. ANIMAL CONTROL FEES

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|----|---|---------|
| 1. | Annual pet license fee (on or before January 31) | \$5.00 |
| 2. | Annual pet license fee (after January 31) | \$7.50 |
| 3. | Impoundment of unconfined pet -- first offense | \$30.00 |
| 4. | Impoundment of unconfined pet -- two or more offenses | \$40.00 |
| 5. | Daily pet boarding fee | \$18.00 |

Section 4. PARKS DEPARTMENT FEES

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|----|-----------------------|--------------------|
| 1. | Mowing fee (per hour) | \$100/hour minimum |
|----|-----------------------|--------------------|

2.	Brush/tree trimming (per hour)								\$60/hour
Section 5. ZONING FEES									
1.	Building permit fee	\$25.00	minimum	or	\$1	per	\$1000	of	
	evaluation								
2.	Variance fee (plus building permit fee)								\$125.00
3.	Zoning change fee/subdivision fee (plus building permit fee)								\$250.00
4.	Special use permit fee (plus building permit fee)								\$125.00
5.	Fence, deck, patio permit fee								\$10.00
6.	Storage building less than 100 sq. ft								\$10.00
7.	Hedge Permit fee								No charge
8.	Tree/landscaping permit fee (parkway)								No charge
9.	Sign Permit fee								\$5.00
10.	Subdivision/PUD								\$250.00

Section 6. CLERK'S DEPARTMENT FEES

1.	Copies (no color on copy machine)								\$0.10*
2.	Copies (Color on copy machine)								\$0.20*
3.	Copies (Color on Oki: photo/full density 50%-100% 8 1/2x11								\$1.00*
4.	Copier (Color on Oki: photo/full density up to 50% of page								\$0.75*
4.	Faxes (incoming or outgoing)					\$1.00	(up to 5 pages)		
5.	Return Check Charge								\$30.00
6.	Unusual/extensive Records Search and copies					\$20.00/hour	+ copy charge		
	(billed 15 min increments)								

*Copies on plain paper. Special papers, photo paper, acid free paper, transfers and transparencies based on market price of paper.

Section 7. UTILITY DEPOSIT FEES

A deposit guaranteeing the payment of bills for services may be required from any customer. The deposit shall be refunded at the end of one year provided all charges and bills due have been paid by the due date eleven (11) out of the last twelve (12) months. However, the city, at its discretion, can require a new deposit at any time from any current customer if the bills have been paid late three (3) or more times in the last twelve (12) months.

1.	Water/sewer/garbage deposit								\$75.00
2.	Gas Deposit						Equivalent to the highest month's ccf usage during the last 12 month period, computed on current fee schedule, rounded up to nearest dollar.		
3.	Gas Account, new, no previous history								\$125.00

Section 8. WATER DEPARTMENT FEES

1.	New account service fee								\$15.00
2.	Vacation reconnect fee								\$25.00
3.	Non-pay reconnect fee (business hours)								\$30.00
4.	Non-pay reconnect fee (after hours)								\$60.00
5.	Lien processing fee								\$35.00
6.	Street repair for new service installations						see street department fees		
7.	Bulk water					\$7.50	per 1000 gallons, minimum billing \$20.00		
8.	Water Meter Repair (customer damaged)						Material per Invoice + Labor at \$35.00 per hour		
9.	Each service connection base rate (see last page for example)								\$10.00
	Plus \$.375 per 100 gallons of water used								
10.	"Sprinkler Only" Meters						All costs, including meter, paid by customer.		

	Vacation Reconnect Fee (#2) and Base Plus Rate (#9) apply.	
11.	First Notice in calendar year	No Charge
	Second and subsequent notices	\$25.00 each
Section 9. SEWER DEPARTMENT FEES		
1.	Street repair for new service installations	see street department fees
2.	Lien processing fee	\$35.00
3.	Each Service Connection Base Rate (see last page for example) Plus \$.225 per 100 gallons of water used	\$9.00
Section 10. GAS DEPARTMENT FEES		
1.	New account service fee	\$15.00
2.	Vacation reconnect fee	\$25.00
3.	Non-pay reconnect fee (business hours)	\$30.00
4.	Non-pay reconnect fee (after hours)	\$60.00
5.	Street repair for new service installations	see street department fees
6.	Relocation of Meters (customer requested) Material Costs Plus Labor at \$25.00 per hour	
7.	Rates by Customer Class: (see last page for example)	
	Residential (RG)	Base \$11.00 plus \$1.12/ccf
	Commercial (CG)	Base \$12.00 plus \$1.12/ccf
	Interruptible (IN)	Base \$12.50 plus \$1.05/ccf
	QIL or Qualified Industrial Load (QL)	Market plus \$0.30 ccf
	Transportation Only (TR)	\$.30/ccf
	Fuel Adjustment (FA) authorized by Utility Board based upon market prices when necessary	
8.	Meter Accuracy Tests (If Meter overruns <2%, is accurate or slow)	\$25.00 plus cost of test
9.	24 Hour Shut Off Notices:	
	First Notice in calendar year	No Charge
	Second and subsequent notices	\$25.00 each
Section 11. SOLID WASTE DEPARTMENT FEES		
1.	Brush Pickup (per hour)	\$60.00
2.	Yard waste bag tags	*\$5.00
3.	Yard waste brush tags	*\$5.00
4.	Loose yard waste based upon tractor/truck fees in Section 1	
5.	Recycling container replacement	\$30.00
6.	Recycling container lid (available directly from supplier)	\$5.00
7.	Lien processing fee	\$35.00
7.	Christmas tree removal (no wire, lights or ornaments)	*\$5.00
8.	Stuffed Furniture/Mattresses/Televisions	*\$10.00
9.	White Goods (washers, dryer, dishwashers, water heaters)*Regular \$25.00/Clean Up Day \$20.00	
10.	Freezers, Refrigerators	*\$30.00/\$25.00 Clean Up Day
11.	Carpet, 4 foot rolls, dry	\$0.00
12.	Microwaves, Humidifiers, Dehumidifiers, air conditioners *Regular \$20.00/Clean Up Day \$15.00	
13.	Construction Material, Demolition, Shingles	\$ 35.00 Ton
14.	Iron	No charge on Clean Up Day
15.	Monthly Residential Solid Waste Pickup	\$12.15
	Extra Garbage Cans	Per Month \$2.50/Annual \$25.00
16.	Recyclables	Free – No limit

*These items must bear pre-purchased tags, which can be obtained from City Hall, in order to be picked up by our hauler or City staff.

Section 12. OTHER UTILITY FEES

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| 1. Copy of computerized utility records | No charge |
| 2. Copy of non computerized utility records (older than 24 months) | \$5.00 |

Section 13. MUNICIPAL LICENSES/PERMITS

Construction

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|--|---------|
| 1. House mover permit
(Must have \$1000 cash bond & insurance: bodily injury 50m/100m, liability 50m) | \$10.00 |
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Home Occupations/ Business Permits

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|--|---------|
| 2. Home occupation permit (initial hearing) | \$15.00 |
| 3. Home occupation permit (renewal, if required) | \$5.00 |

Cigarette, Beer & Liquor Permits

Fees charged per State Law

Section 14.

WATER:

Base	\$10.00 plus \$.375 per 100 gallons i.e. 5,000 gallons(5@3.75) + 10.00 = \$28.75
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SEWER

Base	\$9.00 plus \$.225 per 100 gallons i.e. 5,000 gallons(5@2.25) + 9.00 = \$20.25
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SOLID WASTE

Flat rate	\$12.15
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SALES TAX:

As designated by the State of Iowa

LATE FEES:

- 1.65% of balance due on water, sewer, and solid waste
- 1.50% of gas balance due (or budget payment due if on even pay account)

NEW SERVICE CONNECTIONS:

Water	\$15.00
Gas	\$15.00
Vacation connection	\$25.00 (water and gas,each)

DEPOSITS:

Water, Sewer, and Solid Waste	\$75.00
Gas	An amount equal to the highest monthly charge during the last twelve months (per Iowa Utilities Board)
New, no history (less than 12 months history)	\$125.00

Section 15. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 16. This ordinance replaces all ordinances relating to fees and rates.

Section 17. This ordinance shall be effective on May 18, 2009 after its final passage, approval and publication.

Passed and approved this 18th day of May, 2009.

Animal control issues were discussed and tabled till next meeting.

The Clerk reported that mosquito spraying will be happening this summer.

Upcoming meetings were discussed.

The council requested that the Clerk become a Notary Republic.

Current abatements and notices were discussed. The City Attorney directed to council to go ahead with the demolition of the 111 N. Adams and 305 W. 2nd St. properties. A motion by Adkins, seconded by R. Thompson for Bruce Harden to collect 2 bids for the demolition and removal of both properties, and to go with the lowest bid. Voting aye: all. Nay: none.

Discussion on the City Attorney was tabled till next meeting.

Bruce Harden reported that the EIDC building is in need of repairs. He has a bid from Hawkeye Construction for \$2438.99 for materials and installation of new tin on the back side of the building. Work would be done by July 1st. Motion by R. Thompson, seconded by Trojahn to accept the bid. Voting Aye: all. Nay: none.

Appointment to the council was tabled until next meeting.

Motion by Trojahn and seconded by Adkins to adjourn. Voting aye: all. Nay: none. There being no further business, the meeting adjourned at 9:20 p.m.

Bud Meyer, Mayor

Attest:

Kate Rice, City Clerk