

**CITY OF RIVERSIDE COUNCIL MEETING AGENDA**  
**RIVERSIDE CITY HALL COUNCIL CHAMBERS**  
**60 N GREENE STREET**  
REGULAR MEETING  
Monday, June 4, 2018

5:30 Work Session: Highway 22 project review

6:30 Regular meeting

**NOTICE TO THE PUBLIC:** This is a meeting of the City Council to conduct the regular business of the City. Every item on the agenda is an item of discussion and action if needed.

1. Call meeting to order
2. Approval of agenda
3. Consent agenda
  - a. Minutes from 2018-05-21
  - b. Expenditures for 2018-06-04
4. **Public forum.** 3 minutes per person. See guidelines for public comments at the Clerk's table
5. **Public Hearing:** RAGBRAI Vendor Ordinance #052118-01. Second Reading. **pg 8**
6. **Public Hearing:** TIF Ordinance #052118-06. Second Reading. **pg 11**
7. **Public Hearing:** Sale of Cherry Lane lot #11
  - a. Resolution 060418-01 Selling lot #11 to Steve Schmidt **pg 17**
8. **Public Hearing:** Sale of Cherry Lane lot #12
  - a. Resolution 060418-02 Selling lot #12 to Steve Schmidt **pg 18**
9. **Public Hearing:** Sale of Cherry Lane lot #13
  - a. Resolution 060418-03 Selling lot #13 to APEX Construction **pg 20**
10. **Public Hearing:** Proposed Development Agreement with A&S Holdings, LLC **pg 21**
  - a. Resolution 060418-04: Resolution approving development agreement with A&S Holdings, LLC, authorizing annual appropriation tax increment payments and pledging certain tax increment revenues to the payment of the agreement. **pg 31**
11. MMS Consultants report
  - a. Downtown streetscape project
  - b. Galileo Drive project update
  - c. Highway 22 project update **pg 34**
  - d. Ella Street update
12. Purchase "DOT" Speed Sign
13. Committee Reports
  - a. RAGBRAI report
  - b. TrekFest report
14. PeopleService, Inc.
  - a. Storz fittings for fire hydrants

**CITY OF RIVERSIDE COUNCIL MEETING AGENDA  
RIVERSIDE CITY HALL COUNCIL CHAMBERS  
60 N GREENE STREET**

15. Ordinance Review: Ordinance Chapter 50 – Nuisance Abatement Procedure **pg 36**
16. Ordinance Review: Ordinance Chapter 65 – General Environmental Health Regulations **pg 42**
17. City Welcome Sign – approve design **pg 45**
18. Mayor’s Report
19. City Clerk’s report
20. City Council comments and requests for information
21. Motion to adjourn

RIVERSIDE CITY COUNCIL MEETING: May 21, 2018

The Riverside City Council meeting opened at 6:30 pm in City Hall with Mayor Pro Tem Tom Sexton requesting roll call. Council members present were: Rob Weber, Andy Rodgers, Tom Sexton, and Bob Schneider Jr., and Jeanine Redlinger.

Motion by Schneider to approve the agenda, Second by Redlinger, passed 5-0.

Schneider moved to approve the minutes from May 7<sup>th</sup>, Kum & Go Alcohol permit, and the expenditures. Second by Rodgers, passed 5-0.

Rodger Duffey addressed council on the weed problem at Duffey Cycles from a past water project. MMS will get quote on sod installation.

Rodgers moved to open the Public Hearing on RAGBRAI Vendor Ordinance at 6:39 pm. Second by Weber, passed 5-0. There were no written or oral comments. Schneider moved to close Public Hearing at 6:40 pm. Second by Redlinger, passed 5-0.

Weber moved to adopt Ordinance 052118-01; Ragbrai – Miscellaneous Permits. Second by Rodgers, passed 5-0. Schneider moved to hold second reading at the June 4, 2018 Council Meeting. Second by Rodgers, passed 5-0.

Schneider moved to pass Resolution #052118-02; Setting the date for the Public Hearing to sell Lot#11 in Cherry Lane to Steve Schmidt for \$34,000.00 at the June 4, 2018 Council Meeting, which begins at 6:30 pm. Second by Redlinger, passed 5-0.

Schneider moved to pass Resolution #052118-03; Setting the date for the Public Hearing to sell Lot#12 in Cherry Lane to Steve Schmidt for \$34,000.00 at the June 4, 2018 Council Meeting, which begins at 6:30 pm. Second by Redlinger, passed 5-0.

Redlinger moved to pass Resolution #052118-04; Setting the date for the Public Hearing to sell Lot#13 in Cherry Lane to APEX Construction Co. Inc. for \$34,000.00 at the June 4, 2018 Council Meeting, which begins at 6:30 pm. Second by Rodgers, passed 5-0.

Weber moved to open the Public Hearing for proposed Amendment to the Riverside Urban Renewal Area at 6:56 pm. Second by Rodgers, passed 5-0. There were no written or oral comments. Schneider moved to close Public Hearing at 6:57 pm. Second by Redlinger, passed 5-0.

Schneider moved to adopt Ordinance 052118-06; Providing for the Division of Taxes Levied on Taxable Property in the May, 2018 Addition to the Riverside Urban Renewal Area, Pursuant to Section 403.19 of the code of Iowa. Second by Redlinger, passed 5-0.

Redlinger moved to pass Resolution #052118-07; Setting the date of June 4, 2018 for a Public Hearing to Approve a Development Agreement with A&S Holdings, LLC, including Annual Appropriation Tax Increment Payments at the Council meeting, which begins at 6:30 pm. Second by Rodgers, passed 5-0.

MMS Consultant, Ben Mittchel updated Capital Improvement projects. John Sojka agreed with Council to accept Community Building Entrance option #1.

Sexton moved to approve Option #1 for the Community Building entrance. Second by Redlinger, passed 5-0.

Weber moved to pass Resolution #052118-08; Change Order #3 for J&L Construction in the amount of \$5,126.75 for extra work on three water lines in the Downtown Streetscape Project. Second by Schneider, passed 5-0.

Weber moved to pass Resolution #052118-09; Change Order #4 for J&L Construction in the amount of \$1,212.32 for extra work in lowering the existing sanitary sewer at the Community Building in the Downtown Streetscape Project. Second by Redlinger, passed 5-0.

Weber moved to pass Resolution #052118-10; Change Order #5 for J&L Construction in the amount of \$1,478.46 for extra work to relocate existing water service in conflict with Intake #6 in the Downtown Streetscape Project. Second by Rodgers, passed 5-0.

Schneider moved to pass Resolution #052118-11; Change Order #6 for J&L Construction in the amount of \$2,371.17 for extra work to install sanitary manhole #3 in the Downtown Streetscape Project. Second by Redlinger, passed 5-0.

Schneider moved to pass Resolution #052118-12; Change Order #7 for J&L Construction in the amount of \$1,811.25 for additional signage directing traffic to businesses in the Downtown Streetscape Project. Second by Weber, passed 5-0.

Rodgers moved to pass Resolution #052118-13; Pay Request #2 for J&L Construction in the amount of \$382,895.64 for work done on the Downtown Streetscape Project with 31.5% complete. Second by Weber, passed 5-0.

Galileo Street project should start next week. Council set a work session for Wednesday, May 30<sup>th</sup>, at 6:00 p.m. to finalize plans on the Hwy 22 project.

Minutes of the P & Z may 16<sup>th</sup> were presented for review of council.

City Clerk LaRoche explained the fund balance report for the Fire Department. The new ladder truck has been paid in full. Year-end totals will be ready in July. Total surplus will be placed in a perpetual equipment replacement fund.

Curtis Sexton, Riverside Fire Dept. discussed planned activities at the fire station for Ragbrai. They will hold a water ball fight, and serve a sandwich meal. The fireman would like to also sell beer. Fire station activities will close at 5 pm.

Bill Stukey, PeopleService, Inc. presented the April water and wastewater report. Stukey gave Council options on cleaning the water tower. Painting is scheduled for summer 2019.

Schneider moved to proceed with building a UV lamp storage shed. Second by Weber, passed 5-0.

Rodgers moved for City Clerk to attend Small City Workshop, IaCMA Conference, and the Iowa Municipal Professionals Institute. Second by Schneider, passed 5-0.

Redlinger presented "Piece of Riverside Spaceship" fundraiser contest for a new Hall Park shelter. More information is available on website and at City Hall.


Redlinger moved to adjourn at 9:54 pm. Second by Weber, passed 5-0.

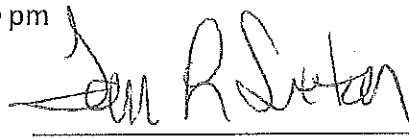
Full content of Council Meetings can be viewed on the City web site;  
[www.cityofriversideiowa.com](http://www.cityofriversideiowa.com)

Council Work Session – Wednesday, May 30, 2018 at 6:00 pm

Council Meeting – Monday, June 4, 2018 at 6:30 pm

ATTEST:

  
Becky LaRoche; City Clerk

  
Tom Sexton; Mayor Pro Tem

EXPENDITURES JUNE 4, 2018				
COUNCIL MEETING				
1	ALLIANT ENERGY	PARKS	001-5-430-6371	\$ 601.68
2	ALLIANT ENERGY	SEWER	610-5-815-6371	\$ 707.26
3	ALLIANT ENERGY	CITY HALL	001-5-650-6371	\$ 263.79
4	ALLIANT ENERGY	WATER	600-5-810-6371	\$ 117.77
5	ALLIANT ENERGY	COMM BUILD	001-5-460-6371	\$ 37.78
6	ALLIANT ENERGY	STREET LIGHTS	001-5-230-6371	\$ 1,408.41
7	ALLIANT ENERGY	FIRE STATION	001-5-150-6330	\$ 378.11
8	AUDITOR OF STATE	FY 2017 AUDIT	001-5650-6498	\$ 6,072.55
9	EMC FIRE	EXTRICATION TOOLS SERVICE	001-5-150-6356	\$ 450.00
10	FISHER INSURANCE	WORKMANS COMP	001-5-210-6402	\$ 1,241.00
11	JAY STUELKE	JUNE CELL	001-5-210-6373	\$ 50.00
12	JOHNSON COUNTY REFUSE	CLEAN UP DAY (218.40 METAL CR)	001-5-520-6753	\$ 526.33
13	KUENSTER PLUMBING	PARK WATER FOUNTAIN	001-5-430-6325	\$ 114.23
14	LAROCHE, BECKY	JUNE CELL	001-5-650-6373	\$ 50.00
15	LENZ, BRYAN	JUNE CELL	001-5-210-6373	\$ 50.00
16	MEDIACOM	RVFD	001-5-150-6332	\$ 139.12
17	MEDIACOM	CITY HALL	001-5-650-6373	\$ 149.12
18	MID AMERICAN ENERGY	SHOP	001-5-210-6371	\$ 58.15
19	MID AMERICAN ENERGY	RVFD	001-5-150-6330	\$ 67.27
20	MID AMERICAN ENERGY	CITY HALL	001-5-650-6371	\$ 30.32
21	MID AMERICAN ENERGY	C. BUILD	001-5-460-6371	\$ 13.10
22	PITNEY BOWES	POSTAGE	600-5-810-6508	\$ 500.00
23	TIM LONG CONSULTING	FEB	001-5-650-6499	\$ 305.40
24	TIM LONG CONSULTING	MAR	001-5-650-6499	\$ 505.40
25	VERISON	COLLECTORS	600-5-810-6373	\$ 63.60
26	WASHINGTON TITLE	CHERRY LANE #13 TITLE	301-5-750-6772	\$ 700.00
				\$ 14,600.39
	MTD TREASURERS REPORT	04/30/2018	REVENUES	EXPENSES
	GENERAL FUND		\$ 428,124.18	\$ 61,161.58
	ROAD USE TAX FUND		\$ 4,829.30	\$ 1,700.92
	LOCAL OPTION SALES TAX		\$ 7,275.85	\$ -
	CASINO REVENUE RUND		\$ 26,005.32	\$ 6,142.52
	DEBT SERVICE		\$ -	\$ -
	CAPITAL PROJECTS FUND		\$ -	\$ 186,977.73
	WATER FUND		\$ 26,532.06	\$ 17,841.83
	SEWER FUND		\$ 24,064.87	\$ 22,657.37
	GARBAGE/LANDFILL FUND		\$ 1,939.99	\$ 1,874.25
	STORM WATER FUND		\$ 1,563.86	\$ -
	TOTAL		\$ 520,335.43	\$ 298,356.20

# Council Packet

5-31-2018 05:10 PM

CITY OF RIVERSIDE  
 POOLED CASH REPORT (FUND 999)  
 AS OF: APRIL 30TH, 2018

PAGE: 1

6/1/2018

FUND ACCOUNT#	ACCOUNT NAME	BEGINNING BALANCE	CURRENT ACTIVITY	CURRENT BALANCE
<u>CLAIM ON CASH</u>				
001-1110	CHECKING ACCT-GENERAL FUND	2,350,271.74	367,143.19	2,717,414.93
110-1110	CHECKING ACCT-ROAD USE TAX	459,360.04	3,128.38	462,488.42
121-1110	CHECKING ACCT-LOST	311,707.57	7,275.85	318,983.42
125-1110	CHECKING ACCT-TIF	0.00	0.00	0.00
145-1110	CHECKING ACCT-CASINO REVENUE	1,512,258.56	19,862.80	1,532,121.36
200-1110	CHECKING ACCT-DEBT SERVICE	( 10,900.00)	0.00	( 10,900.00)
301-1110	CHECKING ACCT-CAP PROJECTS	( 1,003,269.49)	186,977.73	( 1,190,247.22)
600-1110	CHECKING ACCT-WATER	759,527.84	8,690.23	768,218.07
610-1110	CHECKING ACCT-SEWER	298,244.51	1,407.50	299,652.01
670-1110	CHECKING ACCT-GARBAGE	8,287.90	65.74	8,353.64
680-1110	CHECKING ACCT-STORM WATER	30,914.58	1,563.86	32,478.44
TOTAL CLAIM ON CASH		4,716,403.25	222,159.82	4,938,563.07

CASH IN BANK - POOLED CASH

999-1110	CASH IN BANK	1,293,040.54	220,773.10	1,513,813.64
999-1112	PEOPLES BANK MONEY MARKET	2,101,191.29	0.00	2,101,191.29
999-1114	HILLS BANK	752,534.41	0.00	752,534.41
999-1115	CB FUND	15,406.14	0.00	15,406.14
999-1116	COMMUNITY BUILDING CD #18936	281,196.18	1,386.72	282,582.90
999-1117	COMMUNITY BUILDING CD#18975	273,034.69	0.00	273,034.69
SUBTOTAL CASH IN BANK - POOLED CASH		4,716,403.25	222,159.82	4,938,563.07

WAGES PAYABLE

999-2010	WAGES PAYABLE	0.00	0.00	0.00
SUBTOTAL WAGES PAYABLE		0.00	0.00	0.00

TOTAL CASH IN BANK - POOLED CASH		4,716,403.25	222,159.82	4,938,563.07
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DUE TO OTHER FUNDS - POOLED CASH

999-2100	DUE TO OTHER FUNDS	4,716,403.25	222,159.82	4,938,563.07
TOTAL DUE TO OTHER FUNDS		4,716,403.25	222,159.82	4,938,563.07

# Council Packet

6/1/2018

5-31-2018 05:10 PM

CITY OF RIVERSIDE

PAGE: 2

POOLED CASH REPORT (FUND 999)

AS OF: APRIL 30TH, 2018

FUND ACCOUNT#	ACCOUNT NAME	BEGINNING BALANCE	CURRENT ACTIVITY	CURRENT BALANCE
<u>DUE TO POOLED CASH</u>				
001-2020	ACCOUNTS PAYABLE	0.00	0.00	0.00
110-2020	ACCOUNTS PAYABLE	0.00	0.00	0.00
121-2020	ACCOUNTS PAYABLE	0.00	0.00	0.00
125-2020	ACCOUNTS PAYABLE	0.00	0.00	0.00
145-2020	ACCOUNTS PAYABLE	0.00	0.00	0.00
200-2020	ACCOUNTS PAYABLE	0.00	0.00	0.00
301-2020	ACCOUNTS PAYABLE	0.00	0.00	0.00
600-2020	ACCOUNTS PAYABLE	0.00	0.00	0.00
610-2020	ACCOUNTS PAYABLE	0.00	0.00	0.00
670-2020	ACCOUNTS PAYABLE	0.00	0.00	0.00
680-2020	ACCOUNTS PAYABLE	0.00	0.00	0.00
<b>TOTAL DUE TO POOLED CASH</b>		<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
<u>DUE FROM OTHER FUNDS</u>				
999-1330	DUE FROM OTHER FUNDS	0.00	0.00	0.00
<b>TOTAL DUE FROM OTHER FUNDS</b>		<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
<u>ACCOUNTS PAYABLE - POOLED CASH</u>				
999-2020	ACCOUNTS PAYABLE CONTROL	0.00	0.00	0.00
<b>TOTAL ACCOUNTS PAYABLE POOLED CASH</b>		<u>0.00</u>	<u>0.00</u>	<u>0.00</u>

\*\*\* PROOF CASH BALANCES \*\*\*

(A)		(B)		(C)	
CLAIM ON CASH	4,938,563.07	CLAIM ON CASH	4,938,563.07	CASH IN BANK	4,938,563.07
CASH IN BANK	<u>4,938,563.07</u>	DUE TO OTHER FUNDS	<u>4,938,563.07</u>	DUE TO OTHER FUNDS	<u>4,938,563.07</u>
DIFFERENCE	0.00		0.00		0.00

\*\*\* PROOF ACCOUNTS PAYABLE BALANCES \*\*\*

(D)		(E)		(F)	
AP PENDING	0.00	AP PENDING	0.00	DUE FROM OTHER FUNDS	0.00
DUE FROM OTHER FUNDS	<u>0.00</u>	ACCOUNTS PAYABLE	<u>0.00</u>	ACCOUNTS PAYABLE	<u>0.00</u>
DIFFERENCE	0.00		0.00		0.00

\*\*\* END OF REPORT \*\*\*



CITY OF RIVERSIDE  
 MTD TREASURERS REPORT  
 AS OF: APRIL 30TH, 2018

FUND	BEGINNING CASH BALANCE	M-T-D REVENUES	M-T-D EXPENSES	CASH BASIS BALANCE	NET CHANGE OTHER ASSETS	NET CHANGE LIABILITIES	ACCRUAL ENDING CASH BALANCE
001-GENERAL FUND	2,350,271.74	428,124.18	61,161.58	2,717,234.34	( 129.02)	51.57	2,717,414.91
110-ROAD USE TAX	459,360.04	4,829.30	1,700.92	462,488.42	0.00	0.00	462,488.42
121-LOCAL OPTION SALES TAX	311,707.57	7,275.85	0.00	318,983.42	0.00	0.00	318,983.42
125-TIF	0.00	0.00	0.00	0.00	0.00	0.00	0.00
145-CASINO REVENUE FUND	1,512,258.56	26,005.32	6,142.52	1,532,121.36	0.00	0.00	1,532,121.36
200-DEBT SERVICE	( 10,900.00)	0.00	0.00	( 10,900.00)	0.00	0.00	( 10,900.00)
301-CAPITAL PROJECTS	( 1,003,269.49)	0.00	186,977.73	( 1,190,247.22)	0.00	0.00	( 1,190,247.22)
600-WATER FUND	759,527.84	26,532.06	17,841.83	768,218.07	0.00	0.00	768,218.07
610-SEWER FUND	298,244.51	24,064.87	22,657.37	299,652.01	0.00	0.00	299,652.01
670-LANDFILL/GARBAGE	8,287.90	1,939.99	1,874.25	8,353.64	0.00	0.00	8,353.64
680-STORM WATER	30,914.58	1,563.86	0.00	32,478.44	0.00	0.00	32,478.44
GRAND TOTAL	4,716,403.25	520,335.43	298,356.20	4,938,382.48	( 129.02)	51.57	4,938,563.03

\*\*\* END OF REPORT \*\*\*

## RAGBRAI VENDER ORDINANCE

## ORDINANCE NO. 052118-01

## AN ORDINANCE AMENDING SECTION 124 IN THE CODE OF ORDINANCES OF THE CITY OF RIVERSIDE AND ENTITLED "RAGBRAI – MISCELLANEOUS PERMITS"

Be it enacted by the City Council of Riverside, Iowa:

**SECTION 1:** This ordinance as amended is enacted to help city officials and citizens deal with the public health and safety problems created by the infusion of a large number of people into the City of Riverside when the Des Moines Register's Annual Great Bicycle Ride Across Iowa (RAGBRAI) on July 27, 2018 and departs on July 27, 2018.

**SECTION 2:** That Section 124 RAGBRAI – Miscellaneous Permits of the Code of Ordinances of the City of Riverside, Iowa be and the same is hereby amended to read as follows:

## Sections

- 124.01 Commercial Booth – Permit Required
- 124.02 Commercial Booth Fees
- 124.03 Commercial Booth Location
- 124.04 Health Regulations
- 124.05 Commercial Booth Non-Food – Permit Required
- 124.06 Commercial Booth Non-Food Fees
- 124.07 Commercial Booth Location
- 124.08 Glass Containers
- 124.09 Nuisance
- 124.10 Violations-Penalties
- 124.11 Effective Period
- 124.12 Street Closings

**124.1 Commercial Booth – Permit Required.** No person, club, group, organization, corporation or entity of any kind shall provide or sell food to the public in Riverside on July 27, 2018, unless said person or entity shall first obtain a Commercial Booth Permit from the City of Riverside through the City Clerk located at 60 North Green Street in Riverside, Iowa. However, any person or entity which is a resident of Riverside and in possession of a valid permit issued by the State of Iowa for the sale of food to be consumed on its premises as of June 1, 2018, or in possession of a current Iowa retail sales tax permit, shall be exempt from the requirements of this Section.

**124.2 Commercial Booth Fees.** The fee for any Riverside Commercial Booth Permit shall be \$300.00. Booth space is 20' x 10'.

**124.3 Commercial Booth Location.** A vendor who has been granted a Riverside Commercial Booth permit shall locate its temporary sale facility at a location to be determined by the Official Riverside RAGBRAI Committee.

**124.4 Health Regulations.** A person or entity issued a commercial booth permit pursuant to this Chapter (a RAGBRAI Commercial Booth Permittee herein) shall comply with the Iowa Department of Health and Washington Department of Health rules and regulations pertaining to the sale and dispensing of food for consumption on its premises.

**124.5 Commercial Booth Non-Food – Permit Required.** No person, club, group, organization, corporation or entity of any kind shall provide or sell merchandise to the public in Riverside on July 27, 2018, unless said person or entity shall first obtain a Commercial Booth Permit from the City of Riverside through the City Clerk located at 60 North Green Street in Riverside, Iowa. However, any person or entity which is a resident of Riverside and in possession of a valid permit issued by the State of Iowa for the sale merchandise on its premises as of June 1, 2018, or in possession of a current Iowa retail sales tax permit, shall be exempt from the requirements of this Section.

**124.6 Commercial Booth Non-Food Fees.** The fee for any Riverside Commercial Non-Food Booth Permit shall be \$300.00. Booth space is 20' x 10'.

**124.7 Commercial Non-Food Booth Location.** A vendor who has been granted a Riverside Non-Food Commercial Booth permit shall locate its temporary sale facility at a location to be determined by the Official RAGBRAI Committee.

**124.8 Glass Containers.** To promote safety during RAGBRAI, all beverages sold in Riverside, Iowa by Commercial Booth permittees, on July 27, 2018 shall be sold in non-glass containers only. This requirement shall apply to any existing business, restaurant, service station, grocery store or other establishment selling beverages on its premises in an outdoor setting open to the public.

**124.9 Nuisance.** The sale of food or the erection of a temporary facility for the sale of food or other merchandise without a Riverside Commercial Booth or Riverside Non-Food permit on July 27, 2018, in violation of the provisions of this Chapter shall be considered a nuisance, as defined by Section 50 of the City Code of Ordinances. If this type of nuisance is determined to exist, an emergency abatement procedure pursuant to Subsection 50.05 of the City Code is hereby authorized and may be executed by any peace officer or those action at their direction by dismantling and removing the nuisance without notice. However, if the only nuisance or violation of this chapter is the offender's failure to obtain the necessary permit, the RAGBRAI Committee, in lieu of immediate abatement, may allow the person or organization to immediately purchase (cash only) a necessary permit as provided by this Ordinance.

**124.10 Violations – Penalties.** Selling or supplying food or merchandise to any person without a Riverside Commercial permit on July 27, 2018, or any violation of this chapter shall be a simple misdemeanor punishable by a maximum fine of \$500.00 and/or a maximum of thirty (30) days in jail. Furthermore, any violation of this Chapter shall constitute a municipal infraction, as set forth in Chapter 50 of the City Code of Ordinances, and, therefore, any civil penalties may likewise be assessed and enforced as set forth.

**124.11 Effective Period.** The provisions of this ordinance shall be effective from 5:00 a.m. until 12 midnight on July 27, 2018.

**124.12 Street Closings.** During the effective dates of this ordinance and without prior Council approval regarding the blocking of any city street, city officials may place barricades or road blocks in any City street, alley or roadway to redirect vehicular traffic in order to enhance the proper and safe flow of bicycles and vehicular traffic within the City limits of Riverside.

**SECTION 3: REPEALER.** All ordinances or parts thereof in conflict with the provisions of this ordinance are hereby repealed.

**SECTION 4: 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 this ordinance as a whole or any section, provision, or party thereof not adjudged invalid or unconstitutional.

**SECTION 5: WHEN EFFECTIVE.** This ordinance shall be in effect from and after its final passage, approval, and publication as provided by law.

It was moved by Weber, second by Rodgers to adopt Ordinance 052118-01.  
Roll call: Schneider, Sexton, Rodgers, Weber, Redlinger

AYES: Schneider, Sexton, Rodgers, Weber, Redlinger

NAYES:

ABSENT:

FIRST Reading Passed and approved by this council on the 21<sup>st</sup> day of May, 2018.  
Set the date for Public Hearing; 2<sup>nd</sup> Reading on June 4, 2018 Council Meeting.

ATTEST:

\_\_\_\_\_  
Becky LaRoche, City Clerk

\_\_\_\_\_  
Tom Sexton, Mayor Pro Tem

I certify that the foregoing was published as Ordinance No. 052118-01 on the 30th day of May, 2018.

June 4, 2018 Second Reading: moved by \_\_\_\_\_ 2<sup>nd</sup> by \_\_\_\_\_ to pass Second Reading and waive 3<sup>rd</sup> reading.  
Roll Call: Schneider, Sexton, Rodgers, Weber, Redlinger

AYES:

NAYES:

ABSENT:

ATTEST:

\_\_\_\_\_  
Becky LaRoche, City Clerk

\_\_\_\_\_  
Allen Schneider, Mayor

NOTICE OF MEETING FOR APPROVAL OF DEVELOPMENT AGREEMENT WITH A&S HOLDINGS, LLC AND  
AUTHORIZATION OF ANNUAL APPROPRIATION TAX INCREMENT PAYMENTS

The City Council of the City of Riverside, Iowa, will meet at City Hall in Riverside, on June 4, 2018, at 6:30 p.m., at which time and place proceedings will be instituted and action taken to approve a Development Agreement between the City and A&S Holdings, LLC (the "Developer") in connection with the construction and development of a new multipurpose building that will contain commercial retail and office space in the Riverside Urban Renewal Area, which Agreement provides for certain financial incentives in the form of incremental property tax payments to the Developer in a total amount not exceeding \$475,000 as authorized by Section 403.9 of the Code of Iowa.

The agreement to make incremental property tax payments to the Developer will not be a general obligation of the City, but will be payable solely and only from incremental property tax revenues generated within the Riverside Urban Renewal Area. Some or all of the payments under the Development Agreement may be made subject to annual appropriation by the City Council.

At the meeting, the City Council will receive oral or written objections from any resident or property owner of the City. Thereafter, the City Council may, at the meeting or at an adjournment thereof, take additional action to approve the Development Agreement or may abandon the proposal.

This notice is given by order of the City Council of Riverside, Iowa, in accordance with Section 403.9 of the Code of Iowa.

Becky LaRoche  
City Clerk

*Sent  
NEWS  
5/23/18  
EE*

ORDINANCE NO. 052118-06

An Ordinance Providing for the Division of Taxes Levied on Taxable Property in the May, 2018 Addition to the Riverside Urban Renewal Area, Pursuant to Section 403.19 of the Code of Iowa

WHEREAS, the City Council of the City of Riverside, Iowa (the "City") previously enacted an ordinance entitled "An Ordinance Providing for the Division of Taxes Levied on Taxable Property in the Riverside Urban Renewal Area, Pursuant to Section 403.19 of the Code of Iowa"; and

WHEREAS, pursuant to that ordinance, certain taxable property within the Riverside Urban Renewal Area in the City was designated a "tax increment district"; and

WHEREAS, the City Council now desires to increase the size of the "tax increment district" by adding additional property;

BE IT ENACTED by the Council of the City of Riverside, Iowa:

Section 1. Purpose. The purpose of this ordinance is to provide for the division of taxes levied on the taxable property in the May, 2018 Addition to the Riverside Urban Renewal Area of the City of Riverside, Iowa, each year by and for the benefit of the state, city, county, school districts or other taxing districts after the effective date of this ordinance in order to create a special fund to pay the principal of and interest on loans, moneys advanced to or indebtedness, including bonds proposed to be issued by the City of Riverside to finance projects in such area.

Section 2. Definitions. For use within this ordinance the following terms shall have the following meanings:

"City" shall mean the City of Riverside, Iowa.

"County" shall mean Washington County, Iowa.

"2018 Urban Renewal Area Addition" shall mean the May, 2018 Addition to the Riverside Urban Renewal Area of the City, the legal description of which is set out below, approved by the City Council by resolution adopted on May 21, 2018:

Certain real property situated at 1096 Walnut Avenue in the City of Riverside, Washington County, State of Iowa bearing Washington County Property Tax Parcel Identification Numbers 04-03-300-027 and 04-10-100-005, more particularly described as follows:

*A part of the Southeast One-Quarter of the Southwest One-Quarter of Section 3, and a part of the Northeast One-Quarter of the Northwest One-Quarter of Section 10, all in Township 77 North, Range 6 West of the Fifth Principal Meridian, Washington County, Iowa, the boundaries of which are described as follows:*

*Commencing at the South One-Quarter corner of Section 3, Township 77 North, Range 6 West, of the Fifth Principal Meridian, Washington County, Iowa; Thence N87°27'50"W, along the South line of the South One-Quarter of said Section 3, a distance of 566.02 feet to a point on the East line of the West 70 feet of the Abandoned Right-of-way of the Central Iowa Railway and Development Company; Thence Southeasterly, 148.30 feet, along said east line and an arc of a 4665.60 foot radius curve, concave Southwesterly, whose 148.29 foot chord bears S00°45'29"E, to a point on the Northerly Right-of-Way line of Iowa Highway 22; Thence S61°55'48"W, along said Northerly Right-of-Way line, 79.61 feet; Thence Southwesterly 13.53 feet, along said Northerly Right-of-Way line and an arc of a 4595.60 foot radius curve, concave Northwesterly, whose 13.53 foot chord bears S00°42'22"W; Thence S70°18'42"W, along said Northerly Right-of-Way line, 284.96 feet, to a point on the West line of the property described as "Parcel conveyed by Warranty Deed", as recorded in Deed Book 99, at Page 203, of the Records of the Washington County Recorder's Office; Thence N45°39'50"W, along said West line, 2.34 feet; Thence N12°40'21"E, along said West line, 313.19 feet, the Southwest corner of Auditor's Parcel "E", as recorded in Book 11, at Page 123, of the Records of the Washington County Recorder's Office; Thence N06°47'21"E, along the West line of said Auditor's Parcel "E", 6.68 feet, to the Southwest corner of Auditor's Lot 1 of Parcel "C", as recorded in Book 11, at Page 164, of the Records of the Washington County Recorder's Office; Thence S87°22'35"E, along the South line of said Auditor's Lot 1 of Parcel "C", 269.08 feet to said east line; Thence S01°18'57"E, along said east line, 6.27 feet, to said POINT OF BEGINNING, containing 1.66 acres, (72,183 square feet), and subject to easements and restrictions of record.*

"Urban Renewal Area" shall mean the entirety of the Riverside Urban Renewal Area as amended from time to time.

Section 3. Provisions for Division of Taxes Levied on Taxable Property in the 2018 Urban Renewal Area Addition. After the effective date of this ordinance, the taxes levied on the taxable property in the 2018 Urban Renewal Area Addition each year by and for the benefit of the State of Iowa, the City, the County and any school district or other taxing district in which the 2018 Urban Renewal Area Addition is located, shall be divided as follows:

(a) that portion of the taxes which would be produced by the rate at which the tax is levied each year by or for each of the taxing districts upon the total sum of the assessed value of the taxable property in the 2018 Urban Renewal Area Addition, as shown on the assessment roll as of January 1 of the calendar year preceding the first calendar year in which the City certifies to the County Auditor the amount of loans, advances, indebtedness, or bonds payable from the special fund referred to in paragraph (b) below, shall be allocated to and when collected be paid

into the fund for the respective taxing district as taxes by or for said taxing district into which all other property taxes are paid. For the purpose of allocating taxes levied by or for any taxing district which did not include the territory in the 2018 Urban Renewal Area Addition on the effective date of this ordinance, but to which the territory has been annexed or otherwise included after the effective date, the assessment roll applicable to property in the annexed territory as of January 1 of the calendar year preceding the effective date of the ordinance which amends the plan for the 2018 Urban Renewal Area Addition to include the annexed area, shall be used in determining the assessed valuation of the taxable property in the annexed area.

(b) that portion of the taxes each year in excess of such amounts shall be allocated to and when collected be paid into a special fund of the City to pay the principal of and interest on loans, moneys advanced to or indebtedness, whether funded, refunded, assumed or otherwise, including bonds issued under the authority of Section 403.9(1), of the Code of Iowa, incurred by the City to finance or refinance, in whole or in part, projects in the Urban Renewal Area, and to provide assistance for low and moderate-income family housing as provided in Section 403.22, except that taxes for the regular and voter-approved physical plant and equipment levy of a school district imposed pursuant to Section 298.2 of the Code of Iowa, taxes for the instructional support program levy of a school district imposed pursuant to Section 257.19 of the Code of Iowa and taxes for the payment of bonds and interest of each taxing district shall be collected against all taxable property within the taxing district without limitation by the provisions of this ordinance. Unless and until the total assessed valuation of the taxable property in the 2018 Urban Renewal Area Addition exceeds the total assessed value of the taxable property in such area as shown by the assessment roll referred to in subsection (a) of this section, all of the taxes levied and collected upon the taxable property in the 2018 Urban Renewal Area Addition shall be paid into the funds for the respective taxing districts as taxes by or for said taxing districts in the same manner as all other property taxes. When such loans, advances, indebtedness, and bonds, if any, and interest thereon, have been paid, all money thereafter received from taxes upon the taxable property in the Urban Renewal Area Addition shall be paid into the funds for the respective taxing districts in the same manner as taxes on all other property.

(c) the portion of taxes mentioned in subsection (b) of this section and the special fund into which that portion shall be paid may be irrevocably pledged by the City for the payment of the principal and interest on loans, advances, bonds issued under the authority of Section 403.9(1) of the Code of Iowa, or indebtedness incurred by the City to finance or refinance in whole or in part projects in the Urban Renewal Area.

(d) as used in this section, the word "taxes" includes, but is not limited to, all levies on an ad valorem basis upon land or real property.

Section 4. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 5. Saving 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.



Riverside/ 436225-20/ UR Hrg Add to Area & Ord-1 cons

Section 6. Effective Date. This ordinance shall be effective after its final passage, approval and publication as provided by law.

Passed by the Council of the City of Riverside, Iowa, the 21<sup>st</sup> day of May, 2018.

\_\_\_\_\_  
Mayor Pro tem

Attest:

Buky Katoche  
City Clerk

.....

There being no further business to come before the meeting, it was upon motion adjourned.

\_\_\_\_\_  
Mayor Pro Tem

Attest:

Buky Katoche  
City Clerk

pass  
2nd Reading 6-4-18 pt \_\_\_\_\_ 2nd \_\_\_\_\_  
Waive 3rd Reading

**NOTICE OF PUBLIC HEARING  
FOR THE CITY COUNCIL  
OF THE CITY OF RIVERSIDE, IOWA**

The City Council of the City of Riverside, Iowa will hold a public hearing for the purpose of selling property located on Cherry Lane - Lot #11 and #12 to Steve Schmidt in the amount of \$34,000.00. The Public Hearing will be held during the City Council meeting on Monday, June 4th, 2018 which begins at 6:30 p.m., at City of Riverside City Hall.

All interested persons are invited to attend the public hearing and to offer comments, orally or in writing, in support of or in opposition of the sale. Written comments may be submitted to the Riverside City Clerk, P.O. Box 188, Riverside, IA 52327-0188, in advance of the public hearing. Any questions regarding the sale of property may also be directed to City Hall.

This notice is published at the direction of the City Council for the City of Riverside,  
Iowa.

Becky LaRoche

City Clerk

*Just to  
NEWS  
5-22-18  
RL*

**RESOLUTION #060418-01**

**RESOLUTION TO SELL LOT #11 IN THE CHERRY LANE  
SUBDIVISION TO STEVE SCHMIDT**

**WHEREAS**, the City of Riverside, Iowa, held a public hearing on the Sale of Lot #11, in the Cherry Lane Subdivision to Steve Schmidt on June 4<sup>th</sup>, 2018 in the City Council Chambers located at the Riverside City Hall, 60 North Greene Street, Riverside, Iowa. There were not any written or oral objections to the sale.

**THEREFORE, BE IT RESOLVED**, The City of Riverside City Council, hereby approves the sale of Lot #11 in the Cherry Lane Subdivision to Steve Schmidt in the amount of \$34,000.00.

**IT WAS MOVED BY** Councilperson \_\_\_\_\_, seconded by Councilperson \_\_\_\_\_, to approve the foregoing resolution.

Roll Call: Schneider, Sexton, Rodgers, Weber, Redlinger

Ayes:

Nays:

Abstain/Absent:

**PASSED AND APPROVED** by the City Council of Riverside, Iowa and approved this 4<sup>th</sup> day of June, 2018.

Signed: \_\_\_\_\_  
Allen Schneider, Mayor

Attest : \_\_\_\_\_  
Becky LaRoche, City Clerk

**RESOLUTION #060418-02**

**RESOLUTION TO SELL LOT #12 IN THE CHERRY LANE  
SUBDIVISION TO STEVE SCHMIDT**

**WHEREAS**, the City of Riverside, Iowa, held a public hearing on the Sale of Lot #12, in the Cherry Lane Subdivision to Steve Schmidt on June 4<sup>th</sup>, 2018 in the City Council Chambers located at the Riverside City Hall, 60 North Greene Street, Riverside, Iowa. There were not any written or oral objections to the sale.

**THEREFORE, BE IT RESOLVED**, The City of Riverside City Council, hereby approves the sale of Lot #12 in the Cherry Lane Subdivision to Steve Schmidt in the amount of \$34,000.00.

**IT WAS MOVED BY** Councilperson \_\_\_\_\_, seconded by Councilperson \_\_\_\_\_, to approve the foregoing resolution.

Roll Call: Schneider, Sexton, Rodgers, Weber, Redlinger

Ayes:

Nays:

Abstain/Absent:

**PASSED AND APPROVED** by the City Council of Riverside, Iowa and approved this 4<sup>th</sup> day of June, 2018.

Signed: \_\_\_\_\_  
Allen Schneider, Mayor

Attest : \_\_\_\_\_  
Becky LaRoche, City Clerk

**NOTICE OF PUBLIC HEARING  
FOR THE CITY COUNCIL  
OF THE CITY OF RIVERSIDE, IOWA**

The City Council of the City of Riverside, Iowa will hold a public hearing for the purpose of selling property located on Cherry Lane - Lot #13 to APEX Construction Co, Inc. in the amount of \$34,000.00. The Public Hearing will be held during the City Council meeting on Monday, June 4th, 2018 which begins at 6:30 p.m., at City of Riverside City Hall.

All interested persons are invited to attend the public hearing and to offer comments, orally or in writing, in support of or in opposition of the sale. Written comments may be submitted to the Riverside City Clerk, P.O. Box 188, Riverside, IA 52327-0188, in advance of the public hearing. Any questions regarding the sale of property may also be directed to City Hall.

This notice is published at the direction of the City Council for the City of Riverside,  
Iowa.

Becky LaRoche

City Clerk

*to  
News  
5-22-18  
EL*

**RESOLUTION #060418-03**

**RESOLUTION TO SELL LOT #13 IN THE CHERRY LANE  
SUBDIVISION TO STEVE SCHMIDT**

**WHEREAS**, the City of Riverside, Iowa, held a public hearing on the Sale of Lot #13, in the Cherry Lane Subdivision to APEX Construction on June 4<sup>th</sup>, 2018 in the City Council Chambers located at the Riverside City Hall, 60 North Greene Street, Riverside, Iowa. There were not any written or oral objections to the sale.

**THEREFORE, BE IT RESOLVED**, The City of Riverside City Council, hereby approves the sale of Lot #13 in the Cherry Lane Subdivision to APEX Construction in the amount of \$34,000.00.

**IT WAS MOVED BY** Councilperson \_\_\_\_\_, seconded by Councilperson \_\_\_\_\_, to approve the foregoing resolution.

Roll Call: Schneider, Sexton, Rodgers, Weber, Redlinger

Ayes:

Nays:

Abstain/Absent:

**PASSED AND APPROVED** by the City Council of Riverside, Iowa and approved this 4<sup>th</sup> day of June, 2018.

Signed: \_\_\_\_\_  
Allen Schneider, Mayor

Attest : \_\_\_\_\_  
Becky LaRoche, City Clerk

HOLD HEARING ON AND APPROVE  
DEVELOPMENT AGREEMENT AND  
TAX INCREMENT PAYMENTS

(A&S Holdings, LLC)

436225-20

Riverside, Iowa

June 4, 2018

A meeting of the City Council of the City of Riverside, Iowa, was held at 6:30 o'clock p.m., on June 4, 2018, at the City Hall, Riverside, Iowa, pursuant to the rules of the Council.

The Mayor presided and the roll was called, showing members present and absent as follows:

Present: \_\_\_\_\_

Absent: \_\_\_\_\_

The City Council investigated and found that notice of the intention of the Council to conduct a public hearing on a Development Agreement between the City and A&S Holdings, LLC had been published according to law and as directed by the City Council and that this is the time and place at which the Council shall receive oral or written objections from any resident or property owner of the City. All written objections, statements, and evidence heretofore filed were reported to the Council, and all oral objections, statements, and all other exhibits presented were considered.

The following named persons presented oral objections, statements, or evidence as summarized below; filed written objections or statements, copies of which are attached hereto; or presented other exhibits, copies of which are attached hereto:

**(Here list all persons presenting written or oral statements or evidence and summarize each presentation.)**

There being no further objections or comments, the Mayor announced that the hearing was closed.

Riverside / 436225-20 / Hold Hrg & App Dev Agmt AA

Council Member \_\_\_\_\_ introduced the resolution next hereinafter set out and moved its adoption, seconded by Council Member \_\_\_\_\_; and after due consideration thereof by the City Council, the Mayor put the question upon the adoption of said resolution, and the roll being called, the following named Council Members voted:

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_.

Whereupon, the Mayor declared said resolution duly adopted, as follows:



## DEVELOPMENT AGREEMENT

This Agreement is entered into between the City of Riverside, Iowa (the "City") and A&S Holdings, LLC (the "Developer") as of the \_\_\_ day of \_\_\_\_\_, 2018 (the "Commencement Date").

WHEREAS, the City has established the Riverside Urban Renewal Area (the "Urban Renewal Area"), and has adopted a tax increment ordinance for the Urban Renewal Area; and

WHEREAS, the Developer has proposed to acquire certain real property which lies within the Urban Renewal Area and is more specifically described on Exhibit A hereto (the "Property"); and

WHEREAS, the Developer has proposed to undertake the construction of a new multipurpose building on the Property that will contain commercial retail and office space (the "Project"); and

WHEREAS, the Developer has requested that the City provide financial assistance in the form of incremental property tax payments to be used by the Developer in paying the costs of constructing and maintaining the Project; and

WHEREAS, the taxable base valuation of the Property for purposes of calculating Incremental Property Tax Revenues (as herein defined) under this Agreement and Section 403.19 of the Code of Iowa is \$\_\_\_\_\_ (the "Base Valuation"); and

WHEREAS, Chapter 15A of the Code of Iowa authorizes cities to provide grants, loans, guarantees, tax incentives and other financial assistance to or for the benefit of private persons;

NOW THEREFORE, the parties hereto agree as follows:

### **A. Developer's Covenants**

**1. Project Construction and Operation.** The Developer agrees to construct the Project on the Property and to maintain and use the completed Project as part of its business operations throughout the Term, as hereinafter defined. Furthermore, the Developer agrees to invest not less than \$\_\_\_\_\_ into capital improvements for the Project, including construction work and other furnishings. The Developer has submitted a detailed site plan (the "Site Plan") for the development of the Project to the City which was approved on \_\_\_\_\_, 20\_\_ and is set forth as Exhibit B hereto. The Developer agrees to construct the Project in accordance with the Site Plan and to substantially complete such construction by no later than December 31, 2018.

**2. Property Taxes.** The Developer agrees to make timely payment of all property taxes as they come due with respect to the Property with the completed Project thereon throughout the Term, as hereinafter defined, and to submit a receipt or cancelled check in evidence of each such payment.

3. **Developer’s Certifications.** The Developer agrees to submit documentation to the satisfaction of the City by no later than each October 15 during the Term, as hereinafter defined, commencing October 15, 2019, demonstrating that the completed Project is being used as part of the Developer’s business operations.

4. **Property Tax Payment Certification.** For purposes of this Agreement “Annual Percentage” shall mean the annual percentage in effect from time to time as set forth in the following table:

Fiscal Year of City	Annual Percentage
First through Fifth Payment Years	100%
Sixth Payment Year	90%
Seventh Payment Year	80%
Eighth Payment Year	70%
Ninth Payment Year	60%
Tenth Payment Year	50%

The Developer agrees to certify to the City by no later than October 15 of each year during the Term, as hereinafter defined, commencing October 15, 2019, an amount (the “Developer’s Estimate”) equal to the estimated Incremental Property Tax Revenues anticipated to be paid in the fiscal year immediately following such certification with respect to the taxable valuation of the Property factored by the Annual Percentage. In submitting each such Developer’s Estimate, the Developer will complete and submit the worksheet attached hereto as Exhibit C. The City reserves the right to review and request revisions to each such Developer’s Estimate to ensure the accuracy of the figures submitted. For purposes of this Agreement, Incremental Property Tax Revenues are calculated by: (1) determining the consolidated property tax levy (city, county, school, etc.) then in effect with respect to taxation of the Property; (2) subtracting (a) the debt service levies of all taxing jurisdictions, (b) the school district instructional support and physical plant and equipment levies, and (c) any other levies which may be exempted from such calculation by action of the Iowa General Assembly; (3) multiplying the resulting modified consolidated levy rate times any incremental growth in the taxable valuation of the Property, as shown on the property tax rolls of Washington County, above and beyond the Base Valuation; and (4) deducting any property tax credits which shall be available with respect to taxable incremental valuation of the Property.

Upon request, the City staff shall provide reasonable assistance to the Developer in completing the worksheet required under this Section A.4.

**5. Legal and Administrative Costs.** The Developer hereby agrees to cover the legal fees and administrative costs incurred by the City in connection with the drafting, negotiation and authorization of this Agreement, including the prerequisite amendment to the urban renewal plan, up to an amount not in excess of \$7,000. The Developer agrees to remit payment to the City within 30-days of the submission of reasonable documentation by the City to the Developer evidencing such costs.

**6. Default Provisions.** The following shall be "Events of Default" under this Agreement, and the term "Event of Default" shall mean, whenever it is used in this Agreement (unless otherwise provided), any one or more of the following events:

- a) Failure by the Developer to commence and complete construction of the Project pursuant to the terms and conditions of this Agreement.
- b) Failure by the Developer to fully and timely remit payment of property taxes when due and owing.
- c) Failure by the Developer to comply with Sections A.2, A.3, A.4 and A.5 of this Agreement.

Whenever any event of default described in this Agreement occurs, the City shall provide written notice to the Developer describing the cause of the default and the steps that must be taken by the Developer in order to cure the default. The Developer shall have thirty (30) days after receipt of the notice to cure the default or to provide assurances satisfactory to City that the default will be cured as soon as reasonably possible. If the Developer fails to cure the default or provide assurances, the City shall then have the right to:

- a) Pursue any action available to it, at law or in equity, in order to enforce the terms of this Agreement.
- b) Withhold the Payments provided for under Section B.1 below.

**B. City's Obligations**

**1. Payments.** In recognition of the Developer's obligations set out above, the City agrees to make twenty (20) semiannual economic development tax increment payments (the "Payments" and each, individually a "Payment") to the Developer during the Term, as hereinafter defined, pursuant to Chapters 15A and 403 of the Code of Iowa, provided however that the aggregate, total amount of the Payments shall not exceed four hundred seventy-five thousand dollars (\$475,000) (the "Maximum Payment Total"), and all Payments under this Agreement shall be subject to annual appropriation by the City Council, as provided hereunder.

The Payments shall not constitute general obligations of the City, but shall be made solely and only from Incremental Property Tax Revenues received by the City from the Washington County Treasurer attributable to the taxable valuation of the Property.

Each Payment shall not exceed an amount which represents the Annual Percentage of Incremental Property Tax Revenues available to the City with respect to the Property during the six (6) months immediately preceding each Payment date.

It is assumed that the new valuation from the Project will go on the property tax rolls as of January 1, 2019. Accordingly, the Payments will be made on December 1 and June 1 of each fiscal year, beginning on December 1, 2020 and continuing to, and including, June 1, 2030, or until such earlier date upon which total Payments equal to the Maximum Payment Total have been made.

**2. Annual Appropriation.** Each Payment shall be subject to annual appropriation by the City Council. Prior to December 1 of each year during the Term of this Agreement, commencing in calendar year 2019, the City Council of the City shall consider the question of obligating for appropriation to the funding of the Payments due in the following fiscal year, an amount (the "Appropriated Amount") of Incremental Property Tax Revenues to be collected in the following fiscal year equal to or less than the most recently submitted Developer's Estimate.

In any given fiscal year, if the City Council determines to not obligate the then-considered Appropriated Amount, then the City will be under no obligation to fund the Payments scheduled to become due in the following fiscal year, and the Developer will have no rights whatsoever to compel the City to make such Payments or to seek damages relative thereto or to compel the funding of such Payments in future fiscal years. A determination by the City Council to not obligate funds for any particular fiscal year's Payments shall not render this Agreement null and void, and the Developer shall make the next succeeding submission of the Developer's Estimate as called for in Section A.4 above, provided however that no Payment shall be made after June 1, 2030.

**3. Payment Amounts.** The aggregate Payments to be made in a fiscal year shall not exceed an amount equal to the corresponding Appropriated Amount (for example, for the Payments due on December 1, 2020 and on June 1, 2021, the aggregate maximum amount of such Payments would be determined by the Appropriated Amount determined for certification by December 1, 2019). Furthermore, the amount of each such Payment shall not exceed the amount of Incremental Property Tax Revenues (excluding allocations of "back-fill" or "make-up" payments from the State of Iowa for property tax credits or roll-back) actually received by the City from the Washington County Treasurer attributable to the taxable incremental valuation of the Property in the six months immediately preceding the extant Payment due date.

**4. Certification of Payment Obligation.** In any given fiscal year, if the City Council determines to obligate the then-considered Appropriated Amount, as set forth in Section B.2 above, then the City Clerk will certify by December 1 of each such year to the Washington County Auditor an amount equal to the most recently obligated Appropriated Amount.

**C. Administrative Provisions**

**1. Amendment and Assignment.** Neither party may cause this Agreement to be amended, assigned, assumed, sold or otherwise transferred without the prior written consent of the other party. However, the City hereby gives its permission that the Developer's rights to receive the Payments hereunder may be assigned by the Developer to a private lender, as security on a credit facility taken with respect to the Project, without further action on the part of the City.

2. **Successors.** This Agreement shall inure to the benefit of and be binding upon the successors and assigns of the parties.

3. **Term.** The term (the "Term") of this Agreement shall commence on the Commencement Date and end on June 1, 2030 or on such earlier date upon which the aggregate sum of Payments made to the Developer equals the Maximum Payment Total.

4. **Choice of Law.** This Agreement shall be deemed to be a contract made under the laws of the State of Iowa and for all purposes shall be governed by and construed in accordance with laws of the State of Iowa.

The City and the Developer have caused this Agreement to be signed, in their names and on their behalf by their duly authorized officers, all as of the day and date written above.

CITY OF RIVERSIDE, IOWA

By: \_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

A&S HOLDINGS, LLC  
By: \_\_\_\_\_  
Its: \_\_\_\_\_

**EXHIBIT A**

**LEGAL DESCRIPTION OF THE PROPERTY**

Certain real property situated in the City of Riverside, Washington County, State of Iowa, bearing Washington County Property Tax Parcel Identification Numbers 04-03-300-027 and 04-10-100-005.

**EXHIBIT B**

**SITE PLAN**

**DEVELOPER'S ESTIMATE WORKSHEET**

- (1) Date of Preparation: October \_\_\_\_\_, 20\_\_\_\_\_.
- (2) Assessed Valuation of Property as of January 1, 20\_\_\_\_\_:  
 \$ \_\_\_\_\_.
- (3) Base Taxable Valuation of Property:  
 \$ \_\_\_\_\_.
- (4) Incremental Taxable Valuation of Property (2 minus 3):  
 \$ \_\_\_\_\_ (the "TIF Value").
- (5) Current City fiscal year consolidated property tax levy rate for purposes of calculating Incremental Property Tax Revenues (the "Adjusted Levy Rate"):  
 \$ \_\_\_\_\_ per thousand of value.
- (6) The TIF Value (4) factored by the Adjusted Levy Rate (5).  
 \$ \_\_\_\_\_ x \$ \_\_\_\_\_ /1000 = \$ \_\_\_\_\_ (the "TIF Estimate")
- (7) TIF Estimate (\$ \_\_\_\_\_ x Annual Percentage\* (\_\_\_\_%) = Developer's Estimate (\$ \_\_\_\_\_).

Fiscal Year of City	Annual Percentage
First through Fifth Payment Years	100%
Sixth Payment Year	90%
Seventh Payment Year	80%
Eighth Payment Year	70%
Ninth Payment Year	60%
Tenth Payment Year	50%



RESOLUTION 060418-04

Resolution Approving Development Agreement with A&S Holdings, LLC, Authorizing Annual Appropriation Tax Increment Payments and Pledging Certain Tax Increment Revenues to the Payment of the Agreement

WHEREAS, the City of Riverside, Iowa (the "City"), pursuant to and in strict compliance with all laws applicable to the City, and in particular the provisions of Chapter 403 of the Code of Iowa, has adopted an Urban Renewal Plan for the Riverside Urban Renewal Area (the "Urban Renewal Area"); and

WHEREAS, this City Council has adopted an ordinance providing for the division of taxes levied on taxable property in the Urban Renewal Area pursuant to Section 403.19 of the Code of Iowa and establishing the fund referred to in Subsection 2 of Section 403.19 of the Code of Iowa (the "Urban Renewal Tax Revenue Fund"), which fund and the portion of taxes referred to in that subsection may be irrevocably pledged by the City for the payment of the principal and interest on indebtedness incurred under the authority of Section 403.9 of the Code of Iowa to finance or refinance in whole or in part projects in the Urban Renewal Area; and

WHEREAS, a certain development agreement (the "Agreement") between the City and A&S Holdings, LLC (the "Developer") has been prepared, pursuant to which the Developer would undertake the construction and development of a new multipurpose building that will contain commercial retail and office space in the Urban Renewal Area (the "Project"); and

WHEREAS, under the Agreement, the City would provide annual appropriation tax increment payments to the Developer in a total amount not exceeding \$475,000; and

WHEREAS, this City Council, pursuant to Section 403.9 of the Code of Iowa, has published notice, has held a public hearing on the Agreement on June 4, 2018, and has otherwise complied with statutory requirements for the approval of the Agreement; and

WHEREAS, Chapter 15A of the Code of Iowa ("Chapter 15A") declares that economic development is a public purpose for which a City may provide grants, loans, tax incentives, guarantees and other financial assistance to or for the benefit of private persons; and

WHEREAS, Chapter 15A requires that before public funds are used for grants, loans, tax incentives or other financial assistance, a City Council must determine that a public purpose will reasonably be accomplished by the spending or use of those funds; and

WHEREAS, Chapter 15A requires that in determining whether funds should be spent, a City Council must consider any or all of a series of factors;

NOW, THEREFORE, It Is Resolved by the City Council of the City of Riverside, Iowa, as follows:

Section 1. Pursuant to the factors listed in Chapter 15A, the City Council hereby finds that:

Riverside / 436225-20 / Hold Hrg & App Dev Agmt AA

(a) The Project will add diversity and generate new opportunities for the Riverside and Iowa economies;

(b) The Project will generate public gains and benefits, particularly in the creation of new jobs, which are warranted in comparison to the amount of the proposed property tax incentives.

Section 2. The City Council further finds that a public purpose will reasonably be accomplished by entering into the Agreement and providing the incremental property tax payments to the Developer thereunder.

Section 3. The Agreement is hereby approved and the Mayor and City Clerk are hereby authorized and directed to execute and deliver the Agreement on behalf of the City, in substantially the form and content in which the Agreement has been presented to this City Council, and such officers are also authorized to make such changes, modifications, additions or deletions as they, with the advice of bond counsel, may believe to be necessary, and to take such actions as may be necessary to carry out the provisions of the Agreement.

Section 4. All payments by the City under the Agreement shall be subject to annual appropriation by the City Council, in the manner set out in the Agreement. As provided and required by Chapter 403 of the Code of Iowa, the City's obligations under the Agreement shall be payable solely from a subfund (the "A&S Holdings Subfund") which is hereby established, into which shall be paid that portion of the income and proceeds of the Urban Renewal Tax Revenue Fund attributable to property taxes derived from the property as described as follows:

Certain real property situated in the City of Riverside, Washington County, State of Iowa, bearing Washington County Property Tax Parcel Identification Numbers 04-03-300-027 and 04-10-100-005.

Section 5. The City hereby pledges to the payment of the Agreement the A&S Holdings Subfund and the taxes referred to in Subsection 2 of Section 403.19 of the Code of Iowa to be paid into such Subfund, provided, however, that no payment will be made under the Agreement unless and until monies from the A&S Holdings Subfund are appropriated for such purpose by the City Council.

Section 6. After its adoption, a copy of this resolution shall be filed in the office of the County Auditor of Washington County to evidence the continuing pledging of the A&S Holdings Subfund and the portion of taxes to be paid into such Subfund and, pursuant to the direction of Section 403.19 of the Code of Iowa, the Auditor shall allocate the taxes in accordance therewith and in accordance with the tax allocation ordinance referred to in the preamble hereof.

Section 7. All resolutions or parts thereof in conflict herewith are hereby repealed.

Passed and approved June 4, 2018.

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

•••••

On motion and vote the meeting adjourned.

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk



**MMS Consultants, Inc.**  
*Experts in Planning and Development Since 1975*

1917 S. Gilbert Street  
Iowa City, Iowa 52240

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Environmental Specialists

Landscape Architects

Land Planners

Land Surveyors

Civil Engineers

May 31, 2018

2245-038

Mayor Schneider and City Council  
City of Riverside  
60 N Greene Street  
Riverside, Iowa 52327

Re: Highway 22 Paving Project Update

Mayor Schneider and Council:

Since the last city council meeting, several changes or additions have been made to the construction plans. Many of them have been discussed previously but are now on the drawings and more quantifiable. The following is a list of these revisions:

Additional Water Line Replacement Between Sycamore and Schnoebelen

The existing water line will be in direct conflict with the proposed storm sewer on the north side of Highway 22. The storm sewer is required with the construction of the new curb and gutter along the road and to in-fill the existing ditch. Therefore, a new water line will need to be constructed north of the road to replace the existing water main. The increase on cost is expected to be approximately \$38,000.

Culvert Extension at 275 W. 1<sup>st</sup> St.

The home owner has expressed concerns regarding the stagnation of water in the ditch adjacent to Highway 22. To remedy this, we recommend re-grading the ditch and replacing the culvert under the driveway. The new culvert would also be approximately 40 ft longer than the existing culvert. The home owner has also requested a concrete flume be constructed from the end of the culvert to the adjacent creek. However, we do not feel this is necessary for the safe conveyance of storm water and have therefore not included it in the plans.

Highway 22 Sub-Drain

The DOT drawings for the paving project east of town include a sub-drain along the edge of the road in various locations. Since the DOT will be approving these plans and we are attempting to be consistent with their construction methods, we have added a sub-drain in various locations.

Overall Project Cost

Since the project began, various additions to the scope of work have been added. They include the re-paving of St. Mary's, additional curb and gutter along Highway 22 and improvements to the intersections at 3<sup>rd</sup> and 4<sup>th</sup> Streets, among others. Although we have not completed an opinion of probable cost, we expect the project will exceed \$2,000,000 based on our rough estimates. We feel it is important that you are aware, since this exceeds our initial estimated cost of \$1,500,000. Please let us know if this will be acceptable or if we should look for ways to reduce the scope of work.



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I am planning to attend the city council meeting next Monday if you would like to discuss any of these items further.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'B. Mitchell', is written over the typed name.

Benjamin Mitchell, P.E.  
MMS Consultants, Inc.

## CHAPTER 50

## NUISANCE ABATEMENT PROCEDURE

50.01 Definition of Nuisance  
 50.02 Nuisances Enumerated  
 50.03 Other Conditions  
 50.04 Nuisances Prohibited

50.05 Nuisance Abatement  
 50.06 Abatement of Nuisance by Written Notice  
 50.07 Municipal Infraction Abatement Procedure

**50.01 DEFINITION OF NUISANCE.** Whatever is injurious to health, indecent, or unreasonably offensive to the senses, or an obstruction to the free use of property so as essentially to interfere unreasonably with the comfortable enjoyment of life or property is a nuisance.

*(Code of Iowa, Sec. 657.1)*

**50.02 NUISANCES ENUMERATED.** The following subsections include, but do not limit, the conditions that are deemed to be nuisances in the City:

*(Code of Iowa, Sec. 657.2)*

1. **Offensive Smells.** Erecting, continuing, or using any building or other place for the exercise of any trade, employment, or manufacture that, by occasioning noxious exhalations, unreasonably offensive smells, or other annoyances, becomes injurious and dangerous to the health, comfort, or property of individuals or the public.
2. **Filth or Noisome Substance.** Causing or suffering any offal, filth, or noisome substance to be collected or to remain in any place to the prejudice of others.
3. **Impeding Passage of Navigable River.** Obstructing or impeding without legal authority the passage of any navigable river, harbor, or collection of water.
4. **Water Pollution.** Corrupting or rendering unwholesome or impure the water of any river, stream, or pond, or unlawfully diverting the same from its natural course or state, to the injury or prejudice of others.
5. **Blocking Public and Private Ways.** Obstructing or encumbering, by fences, buildings or otherwise, the public roads, private ways, streets, alleys, commons, landing places, or burying grounds.
6. **Billboards.** Billboards, signboards, and advertising signs, whether erected and constructed on public or private property, that so obstruct and impair the view of any portion or part of a public street, avenue, highway, boulevard or alley or of a railroad or street railway track as to render dangerous the use thereof. **(See also Section 62.06)**
7. **Storing of Flammable Junk.** Depositing or storing of flammable junk, such as old rags, rope, cordage, rubber, bones and paper, by dealers in such articles within the fire limits of the City, unless in a building of fireproof construction. **(See also Chapter 51)**
8. **Air Pollution.** Emission of dense smoke, noxious fumes, or fly ash.

9. Weeds, Brush. Dense growth of all weeds, vines, brush, or other vegetation in the City so as to constitute a health, safety, or fire hazard.

10. Dutch Elm Disease. Trees infected with Dutch elm disease. (See also Chapter 151)

11. Airport Air Space. Any object or structure hereafter erected within one thousand (1,000) feet of the limits of any municipal or regularly established airport or landing place, which may endanger or obstruct aerial navigation including take-off and landing, unless such object or structure constitutes a proper use or enjoyment of the land on which the same is located.

12. Houses of Ill Fame. Houses of ill fame, kept for the purpose of prostitution and lewdness; gambling houses; places resorted to by persons participating in criminal gang activity prohibited by Chapter 723A of the *Code of Iowa* or places resorted to by persons using controlled substances, as defined in Section 124.101 of the *Code of Iowa*, in violation of law, or houses where drunkenness, quarreling, fighting or breaches of the peace are carried on or permitted to the disturbance of others.

13. Household Refuse or Appliances. Storage of household refuse or appliances, including but not limited to, stoves or ranges, refrigerators, clothes washers or dryers, water heaters, televisions and heating devices upon the grounds of any property or upon any unenclosed porch, breezeway, carport, deck or similar area.

14. Excrement of Household Pets. Failing to dispose of, promptly and properly, excrement and waste products associated with household pets or domestic animals or allowing such materials to collect upon or escape from property.

15. Number of Household Pets. Harboring or maintaining household pets, domestic animals or livestock in such numbers as to interfere with the peaceful and quiet enjoyment of neighboring properties, by reason of noise, odors, inadequate facilities or strays.

**50.03 OTHER CONDITIONS.** The following actions are required and may also be abated in the manner provided in this chapter:

1. Dangerous Buildings. The removal, repair or dismantling of a dangerous building or structure. "Dangerous building or structure" means any construction, occupied or unoccupied, upon or in which one or more of the following conditions exist:

- A. Broken or missing windows;
- B. Missing doors;
- C. Missing, damaged or destroyed structural elements;
- D. Infestations of animals or vermin, including, but not limited to, insects, rodents and reptiles;
- E. Decay through action of the elements, insects, plants or fungi;
- F. Unsafe or exposed electrical service;
- G. Damaged, inoperative or missing sanitary facilities;

- H. Unsafe, damaged or improperly connected supplies of heating or cooking fuel, including, but not limited to, natural gas, LPF or heating oil.
2. Drainage. Maintenance of proper surface water drainage and not allowing ditches or waterways to become obstructed so as to impede the drainage of storm water and other natural runoff.
  3. Storage of Flammable Substances. Proper storage of combustibles and flammable substances in devices or containers suitable to prevent their escape or unintended ignition.
  4. Connection to Public Drainage Systems. The connection to public drainage systems from abutting property when necessary for public health or safety.

In addition, the following chapters of this Code of Ordinances contain regulations prohibiting or restricting other conditions which are deemed to be nuisances:

Junk and Junk Vehicles (See Chapter 51)

Storage and Disposal of Solid Waste (See Chapter 105)

Trees (See Chapter 151)

**50.04 NUISANCES PROHIBITED.** The creation or maintenance of a nuisance is prohibited, and a nuisance, public or private, may be abated in the manner provided for in this chapter or State law.

*(Code of Iowa, Sec. 657.3)*

**50.05 NUISANCE ABATEMENT.** Whenever any authorized municipal officer finds that a nuisance exists, such officer has the authority to determine on a case-by-case basis whether to utilize the nuisance abatement procedure described in Section 50.06 of this chapter or the municipal infraction procedure referred to in Section 50.07.

*(Code of Iowa, Sec. 364.12[3h])*

**50.06 ABATEMENT OF NUISANCE BY WRITTEN NOTICE.** Any nuisance, public or private, may be abated in the manner provided for in this section:

*(Code of Iowa, Sec. 364.12[3h])*

1. Contents of Notice to Property Owner. The notice to abate shall contain:<sup>†</sup>
  - A. Description of Nuisance. A description of what constitutes the nuisance.
  - B. Location of Nuisance. The location of the nuisance.
  - C. Acts Necessary to Abate. A statement of the act or acts necessary to abate the nuisance.

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<sup>†</sup> **EDITOR'S NOTE:** A suggested form of notice for the abatement of nuisances is included in the Appendix of this Code of Ordinances. Caution is urged in the use of this administrative abatement procedure, particularly where cost of abatement is more than minimal or where there is doubt as to whether or not a nuisance does in fact exist. If compliance is not secured following notice and hearings, we recommend you review the situation with your attorney before proceeding with abatement and assessment of costs. Your attorney may recommend proceedings in court under Chapter 657 of the *Code of Iowa* rather than this procedure.



D. Reasonable Time. A reasonable time within which to complete the abatement.

E. Assessment of City Costs. A statement that if the nuisance or condition is not abated as directed and no request for hearing is made within the time prescribed, the City will abate it and assess the costs against the property owner.

2. Method of Service. The notice may be in the form of an ordinance or sent by certified mail to the property owner.

*(Code of Iowa, Sec. 364.12[3h])*

3. Request for Hearing. Any person ordered to abate a nuisance may have a hearing with the Council as to whether a nuisance exists. A request for a hearing must be made in writing and delivered to the Clerk within the time stated in the notice, or it will be conclusively presumed that a nuisance exists and it must be abated as ordered. The hearing will be before the Council at a time and place fixed by the Council. The findings of the Council shall be conclusive and, if a nuisance is found to exist, it shall be ordered abated within a reasonable time under the circumstances.

4. Abatement in Emergency. If it is determined that an emergency exists by reason of the continuing maintenance of the nuisance or condition, the City may perform any action that may be required under this chapter without prior notice. The City shall assess the costs as provided in subsection 6 of this section after notice to the property owner under the applicable provisions of subsection 1 and 2, and the hearing as provided in subsection 3.

*(Code of Iowa, Sec. 364.12[3h])*

5. Abatement by City. If the person notified to abate a nuisance or condition neglects or fails to abate as directed, the City may perform the required action to abate, keeping an accurate account of the expense incurred. The itemized expense account shall be filed with the Clerk, who shall pay such expenses on behalf of the City.

*(Code of Iowa, Sec. 364.12[3h])*

6. Collection of Costs. The Clerk shall send a statement of the total expense incurred by certified mail to the property owner who has failed to abide by the notice to abate, and if the amount shown by the statement has not been paid within one month, the Clerk shall certify the costs to the County Treasurer and such costs shall then be collected with, and in the same manner as, general property taxes.

*(Code of Iowa, Sec. 364.12[3h])*

7. Installment Payment of Cost of Abatement. If the amount expended to abate the nuisance or condition exceeds one hundred dollars (\$100.00), the City may permit the assessment to be paid in up to ten (10) annual installments, to be paid in the same manner and with the same interest rates provided for assessments against benefited property under State law.

*(Code of Iowa, Sec. 364.13)*

8. Failure to Abate. Any person causing or maintaining a nuisance who shall fail or refuse to abate or remove the same within the reasonable time required and specified in the notice to abate is in violation of this Code of Ordinances.

**50.07 MUNICIPAL INFRACTION ABATEMENT PROCEDURE.** In lieu of the abatement procedures set forth in Section 50.06, the requirements of this chapter may be enforced under the procedures applicable to municipal infractions as set forth in Chapter 3 of this Code of Ordinances.

[The next page is 261]

## CHAPTER 65

GENERAL ENVIRONMENTAL HEALTH  
REGULATIONS

65.01 Definitions	65.09 Rodent Attraction
65.02 Garbage and Refuse	65.10 Rat Harborage
65.03 Health Hazard	65.11 Rodent Control
65.04 Open Dumping Prohibited	65.12 Interference with Enforcement
65.05 Sanitary Disposal Required	65.13 Right To Enter Premises
65.06 Nuisances Prohibited	65.14 Refusal of Admittance
65.07 Abatement of Nuisance	65.15 Appeal
65.08 Cost of Abating Nuisance	65.16 Special Penalty

**65.01 DEFINITIONS.** For use in this chapter the following terms are defined:

1. "County Sanitarian" means the Washington County Sanitarian.
2. "Garbage" means any putrescible organic waste resulting from the handling, preparation, and consumption of food or of material intended for use as food.
3. "Health hazard" means any condition which can or has the potential to cause injury or sickness to human or animal life, or to the environment.
4. "Nuisance" means whatever is injurious to health, indecent, or offensive to the senses or an obstacle to the free use of property so as essentially to interfere with the comfortable enjoyment of life or property. This includes all definitions in Section 657.2 of the Code of Iowa.
5. "Open dumping" means the depositing of solid wastes on the surface of the ground or into a body or stream of water.
6. "Rat harborage" means any condition which provides shelter or protection for rodents, thus favoring their multiplication and continued existence in, under, or outside any structure.
7. "Refuse" means putrescible and non-putrescible wastes, including but not limited to garbage, rubbish, ashes, incinerator residues, street cleanings, and market and industrial solid wastes.
8. "Sanitary Disposal Project" means all facilities and appurtenances including all real and personal property connected with such facilities, which are acquired, purchased, constructed, reconstructed, equipped, improved, extended, maintained, or operated to facilitate the final disposition of solid waste without creating a significant hazard to the public health or safety, and which are approved by the Executive Director of the Department of Natural Resources.
9. "Solid waste" means garbage, refuse, and other similar discarded solid or semi-solid materials, including but not limited to such materials resulting from industrial, commercial, agricultural, and domestic activities. Solid waste may include vehicles, as defined in Section 321.1 of the Code of Iowa.

## CHAPTER 65

## GENERAL ENVIRONMENTAL HEALTH REGULATIONS

**65.02 GARBAGE AND REFUSE.** No owner or lessee of any public or private premises shall permit to accumulate upon his or her premises any garbage or refuse except in covered containers meeting County specifications. Such containers shall be constructed in such a manner as to be strong, not easily corrodible, rodent proof, insect proof, and shall be kept covered at all times except when garbage and refuse is being deposited therein or removed therefrom.

**65.03 HEALTH HAZARD.** It is unlawful for any person to permit to accumulate on any premises, improved or vacant, or on any public place, such quantities of solid waste or refuse, either in containers or not, that shall constitute a health or sanitation hazard.

**65.04 OPEN DUMPING PROHIBITED.** Except as may be authorized by State law, no person shall dump or deposit or permit the open dumping or depositing of any solid waste at any place other than the sanitary landfill facilities operated by the SEMCO Landfill, or rural Washington County solid waste dump site, unless a special permit to dump or deposit solid waste on land owned or leased by such person has been obtained from the Department of Natural Resources. However, this section does not prohibit the use of dirt, stone, brick, or similar inorganic material for fill, landscaping, excavation, or grading at places other than a sanitary disposal project.

**65.05 SANITARY DISPOSAL REQUIRED.** It is the duty of each owner to provide for the sanitary disposal of all refuse accumulating on the owner's premises before it becomes a nuisance. Any such accumulation remaining on any premises for a period of more than thirty (30) days shall be deemed a nuisance.

**65.06 NUISANCES PROHIBITED.** The creation or maintenance of a nuisance is prohibited.

**65.07 ABATEMENT OF NUISANCE.** The Board of Health may order the owner, occupant, or person in charge of any property, building or other place to remove at his or her own expense any nuisance, source of filth, cause of sickness, or health hazard found thereon by serving upon said person a written notice stating some reasonable time within which such removal shall be made, and if such person fails to comply with said notice, the Board of Health may cause the same to be executed at the expense of the owner or occupant.

**65.08 COST OF ABATING NUISANCE.** All expenses incurred by the Board of Health in proceeding to abate a nuisance may be recovered by suit in the name of the Board of Health, or the Board of Health may certify the amount of said expenses, together with a description of the property to the County Treasurer who shall enter the same upon the tax books as costs for removing a nuisance and said amount shall be collected as other taxes.

**65.09 RODENT ATTRACTION.** It is unlawful for any person to place, leave, dump, or permit to accumulate any garbage, rubbish or trash in any structure or on any property so that the same may afford food or harborage for rodents.

**65.10 RAT HARBORAGE.** It is unlawful for any person to permit to accumulate on any property any articles or materials that may constitute a rodent harborage. Such articles or materials shall be placed on racks that are elevated not less than eighteen (18) inches above the ground and evenly piled or stacked.

## CHAPTER 65

## GENERAL ENVIRONMENTAL HEALTH REGULATIONS

**65.11 RODENT CONTROL.** Upon receipt of a written notice or order from the Board of Health, the owner of any property specified therein shall take immediate measures for rodent control. In the event such control measures are not instigated within the time designated, the Board of Health may instigate condemnation and destruction proceedings or proceed to abate the condition as outlined in the nuisance Sections 65.06 through 65.08.

**65.12 INTERFERENCE WITH ENFORCEMENT.** No person shall interfere with members of the Board of Health, the County Sanitarian, or peace officers in the discharge of any duty imposed by law or the regulations of the Board of Health.

**65.13 RIGHT TO ENTER PREMISES.** The Board of Health or the County Sanitarian may enter any building, property, or other place for the purpose of examining any possible nuisance, source of filth, source of sickness or health hazard.

**65.14 REFUSAL OF ADMITTANCE.** In case any member of the Board of Health or the County Sanitarian shall be refused entry to any place, complaint may be made under oath to any court of competent jurisdiction and said court shall thereupon issue its order authorizing any member of the Board of Health or the County Sanitarian to enter such place for the purpose of examining any possible nuisance, source of filth, source of sickness, or health hazard.

**65.15 APPEAL.** Any person who feels aggrieved by any notice or order made by the Board of Health or the County Sanitarian shall have the right to appeal to the Board of Health at the next regular meeting of the Board of Health. The Board of Health by majority vote shall modify, withdraw, or order compliance with said order.

**65.16 SPECIAL PENALTY.** Any person who violates any of the provisions of this chapter, in addition to any penalty for violation of this Code of Ordinances, may be enjoined from continuing such violations. Each additional day of neglect or failure to comply with such provision, rule, or lawful order after notice of violation by the Board of Health shall constitute a separate offense.



BIRTHPLACE OF

Capt. JAMES T. KIRK

**BOLDLY GO .....**