

**CITY OF CLARKSVILLE
CITY COUNCIL DEPARTMENT MEETING
June 18, 2018**

The Clarksville City Council met in regular session May 21, 2018, in the basement of the Clarksville Public Library, 103 W Greene, at 7:00 p.m. with Mayor Val Swinton in the chair and Council members Roger Doty, Todd Fails, Jeff Kolb, Diane Renning, and Kenny Smith present.

The following Department Heads were in attendance: Barry Mackey, Police Chief; Matt Kampman, Maintenance Superintendent; Ryan McCully, Maintenance Assistant; Lori Peterson and Kayla Hinders, Financial Administration.

Mayor Swinton opened the Public Hearing at 7:00 p.m., for the purpose of deciding if the City should sell city-owned property on South Main Street to The Overland Group, LLC (Dollar General).

After oral and written comments for and against the City selling city-owned property on South Main Street to The Overland Group, LLC (Dollar General) were received, the Mayor declared the hearing closed.

Motion Fails, Renning, to adopt Resolution 18-665: A RESOLUTION APPROVING OF THE DISPOSITION OF CITY PROPERTY:

WHEREAS, The City of Clarksville, Iowa (the "City") owns certain property on Main Street in Clarksville, Iowa legally described as:

North Twenty-two (22) feet of the South Forty-four (44) feet of Lot Four (4) in Block One (1) of the Original Town of Clarksville, Iowa. (Commonly known as 108 South Main Street, Clarksville, Iowa)

The South Twenty-two (22) feet of Lot Four (4) and the North Fourteen (14) inches of Lot Five (5), all in Block One (1), in the Original Town of Clarksville, Butler County, Iowa. (Commonly known as 110 and 112 South Main Street, Clarksville, Iowa)

The North Twenty-three feet (N. 23 ft.) of Lot Five (5), in Block One (1), Original Town of Clarksville, Butler County, Iowa, except the North Fourteen inches (N. 14 in.) thereof. (Commonly known as 114 South Main Street, Clarksville, Iowa).

The South twenty-three (23) feet of the North forty-six (46) feet of Lot Five (5) in Block One (1) of the Original Town of Clarksville, Butler County, Iowa. (Commonly known as 116 South Main Street, Clarksville, Iowa).

WHEREAS, one of the City's objectives is to promote commercial and residential development within the City of Clarksville; and

WHEREAS, the City has received a proposal from The Overland Group, LLC (Dollar General) which includes their request for the acquisition of certain lots on Main Street legally described above; and

WHEREAS, the City has reviewed the proposal from The Overland Group, LLC (Dollar General), undertaken a public hearing on the matter, and in accordance with the provisions of the Code of Iowa has held public hearing on the proposal to sell the property on June 18, 2018; and

WHEREAS, it is now necessary for the City Council for the City to approve the proposal received by The Overland Group, LLC (Dollar General); and counter-offer the proposal pursuant to the purchase agreement and discussed in the meeting;

NOW, THEREFORE, BE IT HEREBY RESOLVED that the City Council of the City of Clarksville, Iowa, as follows:

Section 1. The City Council hereby determines that the proposal of The Overland Group, LLC (Dollar General) represents the best interest of the City with respect to the development of the property and the undertaking of the new construction and the proposal of The Overland Group, LLC (Dollar General) is hereby accepted and approved with the purchase price in the amount of \$40,000.00. The disposition of the property to The Overland Group, LLC (Dollar General) as set forth in the purchase agreement is hereby approved. The Mayor and the City Clerk are hereby authorized

and directed, with advice from the City Attorney, to execute such documents as may be necessary to carry out the disposition of the property.

Section 2. All resolutions or parts of resolutions in conflict herewith are hereby repealed.

RCV – Ayes: Doty, Fails, Renning and Smith. Nays: None. Abstained Kolb.

Resolution adopted, signed by the Mayor and hereby made a portion of these minutes.

Motion Kolb, Renning, to approve resignations from Bill Ison and Ryan Klinghammer as volunteer firefighters.

RCV – Ayes: Doty, Fails, Kolb, Renning and Smith. Nays: None.

Motion Renning, Doty, to adopt Resolution 18-666: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLARKSVILLE, IOWA, TO APPROVE AMENDING THE RATE FEE SCHEDULE FOR CHARGES IMPOSED AGAINST INDIVIDUALS RECEIVING THE SERVICES OF THE CITY'S AMBULANCE UNIT.

BE IT RESOLVED, by the City Council of the City of Clarksville, Iowa:

A. The following shall be fee schedule for charges imposed against individuals receiving the services of the City's Ambulance Unit:

1.

_____	Non Transport	\$50.00
_____	BLS/non-Emergency	\$450.00
_____	ALS/non-Emergency	\$600.00
_____	BLS/Emergency	\$550.00
_____	ALS/Emergency	\$700.00
_____	ALS2	\$900.00
_____	IV START	\$50.00
_____	OXYGEN	\$50.00
_____	DRUGS DROPPED	\$50.00
_____	C-COLLAR	\$50.00
_____	TRAUMA DRESSINGS	\$50.00

Add \$100.00 -- TIER (Mutual Aid)

2. Mileage: \$14.00 per loaded mile.

RCV – Ayes: Doty, Fails, Kolb, Renning and Smith. Nays: None.

Resolution adopted, signed by the Mayor and hereby made a portion of these minutes.

Motion Fails, Doty, to approve consent agenda: Monthly Departmental Reports as submitted by Department Heads.

RCV – Ayes: Doty, Fails, Kolb, Renning and Smith. Nays: None.

Motion Kolb, Doty, to approve May expenditures and April financial reports as presented by the City Clerk.

RCV – Ayes: Doty, Fails, Kolb, Renning and Smith. Nays: None.

Motion Kolb, Fails, to adopt Ordinance No. 281: AN ORDINANCE AMENDING CHAPTER 155 RESTRICTED RESIDENCE DISTRICT BY AMENDING SECTION 155.07.

Section I. Section **155.07 FENCING** is deleted in its entirety.

The following is inserted in its place:

“155.07 FENCING. The following regulations shall apply to all fences built, repaired or replaced in the R-1 District.

1. Permit Required. No person shall erect, alter, or relocate any fence, wall, or other vision barrier without first obtaining a building permit, from the City of Clarksville, the fee for which shall be established by resolution of the Council, and only if such barriers meet the following criteria:

A. Definition. “Fence, wall, or other vision barrier” means a barrier and/or structure erected in a residential district and intended to provide security, mark a boundary, or as a means of landscaping, with the centerline of such barrier to be located inside the designated property line. Such fence shall be constructed only of material commonly used for landscape fencing such as masonry block, lumber, chain link, and pre-

manufactured fence panels designed and sold for this purpose made of vinyl, wood, metal, or other approved materials. For the purposes of keeping with the visual and aesthetic values of the community, all fences erected shall be designed to be consistent with the architectural styling of the residences of the neighborhood in which the fence will be erected. Fences shall be constructed so that the frame and/or post used in the construction of the fence will be on the inside (owner's side) of the fence with the finished side facing out. A residential fence shall not include corrugated sheet metal, chicken wire, barbed wire, temporary plastic fencing, and/or salvaged material. The fence shall be properly maintained by the owner.

- B. "Salvaged Material" includes scrap, copper, brass, rope, rags, batteries, paper trash, tires and rubber debris, waste, appliances, furniture, equipment, building demolition materials, structural steel materials, plastic, or other similar materials.
 - C. All fences shall be erected solely on the property owner's property and shall not extend over the property line.
 - D. Each fence shall be set back from any side lot line by eighteen (18) inches, unless the adjoining property owner has waived this setback requirement in writing and filed it with the Building Official. The waiver is irrevocable and is binding on all successors in interest.
 - E. No fence shall exceed eight (8) feet in height. On street frontage lot lines, corner lots and for any front yards, the height shall not exceed four (4) feet. The front yard limitation shall be twenty-two (22) feet when there are no adjacent buildings or if there are, shall be the average setback for adjacent buildings.
 - F. On any new fences the supporting poles shall be on the inside of such fence, unless waived in writing by the adjoining property owner. Such waiver will be irrevocable.
- 2. Natural Fencing. The foregoing restrictions shall not apply to any fences comprised solely of any living plants being used as a living fence, excepting that no part of such living fence shall be planted to hang over the property line or obstruct a view of traffic. Furthermore, the frontage height descriptions of four (4) feet shall also apply to such living fences.
 - 3. Obstructed View of Traffic. No wall, fence, and/or hedge shall be so located as to obstruct the view of traffic approaching in intersection from any direction.

Section II. This ordinance shall become effective upon passage of the City Council and after publication.

RCV – Ayes: Doty, Fails, Kolb, Renning and Smith. Nays: None.

Ordinance adopted, signed by the Mayor and hereby made a portion of these minutes.

Motion Kolb, Renning, to waiver the second and third readings of Ordinance No. 281: AN ORDINANCE AMENDING CHAPTER 155 RESTRICTED RESIDENCE DISTRICT BY AMENDING SECTION 155.07.

RCV – Ayes: Doty, Fails, Kolb, Renning and Smith. Nays: None.

Ordinance adopted, signed by the Mayor and hereby made a portion of these minutes.

Motion Renning, Smith, to adopt Resolution 18-667: A RESOLUTION TO TRANSFER MONEY BETWEEN FUNDS.

BE IT RESOLVED, by the City Council of the City of Clarksville, Iowa:

- 1. The City Council wishes to do the following transfers:

Transfer out –		Transfer in -	
Water Utility Funds	\$1,665.00	Building Project Funds	\$4,995.00
Sewer Utility Funds	\$1,665.00		
Road Use Tax Funds	\$1,665.00		

- 2. This resolution shall become effective upon passage.

"Transfer due to maintenance department taking over primary use of Hotsy."

RCV – Ayes: Doty, Fails, Kolb, Renning and Smith. Nays: None.

Resolution declared adopted, signed by the Mayor and hereby made a portion of these minutes.

Motion Smith, Renning, to go into closed session pursuant to Iowa Code 21.5(1)(j)

RCV – Ayes: Doty, Fails, Kolb, Renning and Smith. Nays: None.

Attending: Heather Prendergast, City Attorney (via phone conference); Val Swinton, Mayor; Roger Doty, Todd Fails, Jeff Kolb, Diane Renning and Kenneth Smith, City Council Members; Lori Peterson, City Clerk; Kayla Hinders, Deputy City Clerk.

Motion Renning, Fails, to end closed session.

Motion Smith, Doty, to direct Jeff Kolb to make contact with realtor to counter-offer bid regarding property at 414 E. Poisal St.

RCV – Ayes: Doty, Fails, Kolb, Renning and Smith. Nays: None.

Motion Fails, to adjourn the regular City Council meeting at 8:50 p.m.

Val F. Swinton
Mayor

Attest: Lori A. Peterson
City Clerk/Treasurer