

**CITY OF CLARKSVILLE  
CITY COUNCIL DEPARTMENT MEETING  
April 16, 2018**

The Clarksville City Council met in regular session April 16, 2018, in the temporary Council Chambers at 7:00 p.m. with Mayor Pro Tem Jeff Kolb in the chair and Council members Roger Doty, Todd Fails, Diane Renning, and Kenny Smith present. Mayor Val Swinton absent.

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

This being the time and place specified for taking action on the proposal to enter into a Municipal Building Loan Agreement and to borrow money thereunder in a principal amount not to exceed \$400,000, the City Clerk announced that no petition had been filed asking that the question of entering into the loan agreement be submitted to the registered voters of the City, and that the City Council may proceed with the authorization of the loan agreement. Whereupon, the Mayor Pro Tem called for any written or oral objections, and there being none, the Mayor Pro Tem declared the public hearing closed.

This also being the time and place specified for taking action on the proposal to enter into a Flood Mitigation Loan Agreement and to borrow money thereunder in a principal amount not to exceed \$200,000, the City Clerk announced that no written objections had been placed on file. Whereupon, the Mayor Pro Tem called for any written or oral objections, and there being none, the Mayor Pro Tem declared the public hearing closed.

After due consideration and discussion, Council Member Renning introduced the following resolution and moved for its adoption, seconded by Council Member Doty. The Mayor Pro Tem put the question upon the adoption of said resolution, and the roll being called, the following Council Members voted:

Ayes: Doty, Fails, Kolb, Renning, Smith

Nays: None

Whereupon, the Mayor Pro Tem declared the resolution duly adopted as hereinafter set out.

**RESOLUTION  
18-661**

**RESOLUTION TAKING ADDITIONAL ACTION ON PROPOSALS TO ENTER INTO A  
GENERAL OBLIGATION LOAN AGREEMENTS AND COMBINING LOAN AGREEMENTS**

WHEREAS, the City of Clarksville (the "City"), in Butler County, State of Iowa, pursuant to the provisions of Section 384.24A or Section 364.4 of the Code of Iowa, heretofore proposed to enter into a General Obligation Municipal Building Loan/Lease-Purchase Agreement (the "Municipal Building Loan Agreement") and to borrow money thereunder in a principal amount not to exceed \$400,000 for the purpose of paying the costs, to that extent, of acquiring or constructing, furnishing and equipping a city hall facility, has published notice of the proposed action and has held a hearing thereon, on April 16, 2018, and as of such date, no petition had been filed with the City asking that the question of entering into the Municipal Building Loan Agreement be submitted to the registered voters of the City; and

WHEREAS, the City also proposed to enter into a loan agreement (the "Flood Mitigation Loan Agreement") and to borrow money thereunder in a principal amount not to exceed \$200,000 for the purpose of paying the costs, to that extent, of purpose of flood mitigation, and pursuant to law and a notice duly published, the City Council has held a public hearing on such proposal on April 16, 2018;

WHEREAS, pursuant to Section 384.28 of the Code of Iowa, the City Council intends to combine the Municipal Building Loan Agreement and the Flood Mitigation Loan Agreement into a single loan agreement (the "Loan Agreement");

NOW, THEREFORE, Be It Resolved by the City Council of the City of Clarksville, Iowa, as follows:

Section 1. The Municipal Building Loan Agreement and the Flood Mitigation Loan Agreement are hereby combined into a single Loan Agreement. The City Council hereby determines to enter into the Loan Agreement in the future. The City Council further declares that this resolution constitutes the "additional action" required by Section 384.24A of the Code of Iowa.

Section 2. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Section 3. This resolution shall be in full force and effect immediately upon its adoption and approval, as provided by law.

Passed and approved April 16, 2018.

Jeff Kolb  
Mayor Pro Tem

Attest:

Lori A. Peterson  
City Clerk

Jerry Smith presented building permit inspector information to the Council for consideration. Motion Smith, Doty, to approve consent agenda: Monthly Departmental Reports as submitted by Department Heads.

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

Motion Renning, Smith, to approve April expenditures and March financial reports as presented by the City Clerk.

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

Motion Kolb, Fails, to approve detour on Highway 188 (Main Street) for the Pioneer Days Celebration as follows: East one block on Poisal Street to Mather Street, South on Mather Street, West on Weare Street.

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

Cindy Knox, from Iowa Northland Regional Council of Governments (INRCOG), presented procurement bids for the asbestos abatement and demolition of nine (9) flood-damaged properties. She then recommended the City Council approve Barnett Excavating, Plainfield, Iowa, as the lowest responsible bidder.

Motion Fails, Smith, to adopt Resolution 18-662: **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLARKSVILLE, IOWA, AWARDED THE LOWEST, MOST RESPONSIBLE BID TO BARNETT EXCAVATING FOR THE ASBESTOS ABATEMENT AND DEMOLITION OF ALL PARTICIPATING PROPERTIES IN THE 2016 CLARKSVILLE FLOOD BUYOUT PROGRAM**

WHEREAS, the City of Clarksville has received funding through the Hazard Mitigation Grant Program (HMGP) and Public Assistance funding under Contract # DR-4289-004-1.

WHEREAS, the City of Clarksville adopted a Procurement Policy for the 2016 Clarksville Flood Buyout Program; and

WHEREAS, Section B of said Procurement Policy Resolution 16-626 stipulates that for each project the City shall honor the lowest, most responsible bid submitted; and

WHEREAS, bids have been solicited and received for this project.

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Clarksville Iowa, awards the lowest, most responsible bid to Barnett Excavating for the 2016 Clarksville Flood Buyout Program.

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

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

Motion Renning, Smith, to approve Saturday, May 19, 2018, as City Clean Up Day. Drop offs will be accepted at the City Maintenance Shed from 8:00–10:00 a.m.

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

Motion Fails, Smith, to approve shelter house reservation hours and fees to be set at ten dollars (\$10.00) for every four-hour block with a two block maximum. The four-hour blocks shall be set as 9am-1pm, 1pm-5pm, and 5pm-9pm. Reservation forms are available at City Hall or online at [www.clarksvilleiowa.com](http://www.clarksvilleiowa.com). Reservation fees shall be received at City Hall within 7 calendar days or reservation will be forfeited. Reservations made prior to 04/16/18 will be grandfathered in.

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

Motion Kolb, Doty, to approve liquor license for Casey’s General Store.

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

Motion Renning, Fails, to adopt first reading of Ordinance No. 275: AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF CLARKSVILLE, IOWA, BY ADDING A NEW CHAPTER REGULATING GOLF CARTS AND UTVS.

**BE IT ENACTED** by the City Council of the City of Clarksville, Iowa:

**SECTION 1. NEW CHAPTER.** The Code of Ordinances of the City of Clarksville, Iowa, is amended by adding a new Chapter 78 entitled GOLF CARTS AND UTVS, which is hereby adopted to read as follows:

## CHAPTER 78 GOLF CARTS AND UTVS

78.01 Purpose

78.02 Definitions

78.03 Operation of Roadways, Streets, or Highways

78.04 Equipment Required

78.05 Unlawful Operation

78.06 Permits and Permit Holders

78.07 City Celebration Waiver

78.08 Penalty

**78.01 PURPOSE.** The purpose of this chapter is to permit and regulate the operation of golf carts and UTVs within the City.

**78.02 DEFINITIONS.** As used in this chapter, unless the context otherwise requires:

1A. “Golf cart” means a three- or four-wheeled recreational vehicle generally used for transportation of persons in the sport of golf that is limited in engine displacement of no more than 800 cubic centimeters and total dry weight of no more than 800 pounds.

1B. “Off-road utility vehicle” UTV means a motorized flotation-tire vehicle, with not less than four and not more than six low pressure tires, that is limited in engine displacement to less than one thousand five hundred (1,500) cubic centimeters and in total dry weight to not more

than one thousand eight hundred (1,800) pounds and that has a seat that is of bench design, not intended to be straddled by the operator, and a steering wheel for control.

**Note:** All-terrain vehicles (ATV's) or other motorized recreational vehicles the operator straddles to operate are **not covered** by this ordinance.

2. "Operate" means to ride in or on, other than as a passenger, use or control the operation of a golf cart or UTV in any manner, whether or not the golf cart or UTV is moving.

3. "Operator" means a person who operates or is in actual physical control of a golf cart or UTV.

4. "Roadway" means that portion of a highway improved, designated or ordinarily used for vehicular travel.

5. "Street" or "highway" means that entire width between property lines of every way or place of whatever nature when any part thereof is open to the use of the public, as a matter of right, for the purpose of vehicular travel.

### **78.03 OPERATION OF ROADWAYS, STREETS OR HIGHWAYS.**

1. Golf carts or UTVs shall not be operated on State Highway 188 (Main Street), or any portion of County Road C-33 (Superior Street) other than to make a direct crossing.

2. Golf carts or UTVs may be operated on the streets of the City after first obtaining a permit as provided herein. Persons who obtain a permit as required below are authorized to operate a motorized golf cart or UTV on roadways (or portions thereof) within the City.

3. The operation of the golf carts or UTVs on City streets is to be only by persons possessing a valid driver's license and 16 years of age or older, hours of operation are sunrise to sunset between March 1<sup>st</sup> and November 31<sup>st</sup>.

4. It is unlawful for any parent, guardian, or other person having the care custody and control of a minor under the age of 16 years of age to knowingly permit or allow such a minor to violate the provisions of the chapter. No one under age 5 shall be allowed to ride on golf cart or UTV unless restrained in an approved car seat with a factory installed restraint system (seat belt).

**Note:** As per Iowa code 321.446, any vehicle requiring state registration must have child restraint systems in place for passengers eleven (11) years old or younger or less than twenty (20) pounds.

5. Golf carts or UTVs shall be operated on city streets only from sunrise to sunset. Golf carts or UTVs shall not be operated when visibility is such that there is insufficient light to see persons and vehicles at a distance of 500 feet. Even though a golf cart or UTV has lights on it, this does not permit operations after sunset.

6. The number of occupants in the motorized golf cart or UTV may not exceed the design occupant load.
7. Golf carts or UTVs shall not be operated on the bike trail at any time.
8. Golf carts or UTVs shall not be operated on any city street during which time the street is designated as an official detour route for Iowa Highway 188 or County Road C-33.

#### **78.04 EQUIPMENT REQUIRED.**

1. Golf carts and UTVs shall be equipped with a bicycle safety flag extending at least five (5) feet off the ground and reflective slow moving vehicle signage on the back for operation on City streets.
2. Golf carts and UTVs shall be equipped with adequate brakes to be operated on City streets.
3. Golf carts and UTVs shall be in good mechanical condition and thoroughly safe for transportation of passengers.
4. Motorized golf carts and UTVs shall be equipped with a mirror to provide the driver with adequate vision from behind.

#### **78.05 UNLAWFUL OPERATION.** A person shall not drive or operate a golf cart or UTV:

1. In a careless, reckless, or negligent manner as to endanger the person or property of another or cause injury or damage thereto.
2. While under the influence of intoxicating liquor or narcotics or habit-forming drugs.
3. In or on any park, playground, or sidewalk or upon any public property except with the permission of the governing body thereof.
4. At a speed in excess of fifteen (15) miles per hour.

#### **78.06 PERMITS AND PERMIT HOLDERS.** For the persons who wish to operate golf carts or UTVs as mode of transportation within the City, the following shall apply.

1. An application for a permit shall be made on a form supplied by the City.
2. The application shall contain the name and address of the applicant and the make, model, year, and serial number of the golf cart or UTV.
3. The applicant shall provide a valid driver's license issued by the Iowa Department of Transportation and be 16 years of age or older on the date of issuance.
4. The applicant shall provide and maintain an owner's policy of liability insurance which is issued by an insurance carrier authorized to do business in the State of Iowa to or for the benefit of the person named in the policy as insured and insuring the person named as insured and any person using the golf cart or UTV with the express or implied permission of the named insured against loss from liability imposed by the law for damages arising out of the ownership, maintenance or use of

an insured golf cart in the amounts not less than the minimum limits specified for motor vehicles in Section 321A.21 of the Code of Iowa.

5. The annual cost for such a permit shall be thirty dollars (\$30.00) annually, and is payable at the time the permit is granted. Permits may be granted for one year and will be valid from January 1 through December 31. Permits may be purchased at any time during the year, but will be valid only through December 31<sup>st</sup> of that year and will not be pro-rated.

6. All permits shall be issued for a specific motorized golf cart or UTV, except as otherwise stated. Permit holders will be issued a number and will purchase three-inch minimum reflective numbers affixed to the left side of the golf cart or UTV on the back.

7. The permit may be suspended or revoked upon finding evidence that the permit holder has violated the conditions of the permit or has abused the privilege of being a permit holder. There will be no refund of the license fee.

**78.07 CITY CELEBRATION WAIVER.** This permit provision will be waived for golf carts or UTVs used by officials, workers, and volunteers of the City Celebration.

**78.08 PENALTY.** In addition to the suspension or revocation of the permit, a person who violates this chapter is guilty of a simple misdemeanor punishable as a non-scheduled violation under the Code of Iowa.

**SECTION 2. 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 the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

**SECTION 3. WHEN EFFECTIVE.** This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

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

Motion Fails, to adjourn the regular City Council meeting at 8:49 p.m.

Jeff Kolb  
Mayor Pro Tem

Attest: Lori A. Peterson  
City Clerk/Treasurer