

**CITY OF CLARKSVILLE
CITY COUNCIL DEPARTMENT MEETING
June 21, 2021**

The Clarksville City Council met in regular session June 21, 2021, at City Hall at 6:18 p.m. with Mayor Todd Fails in the chair and Council Members Wendy Brooks, and Travis Sterken, and Larry Voigts present. Roger Doty and Brock Lodge arrived at 6:25 p.m.

The following Department Heads and employees were in attendance: Kristen Clark, Library Director; Ryan McCully, Maintenance Assistant; Barry Mackey, Police Chief; Lori Peterson, Financial Administration.

Motion Sterken, Brooks, to approve shed building permit for William Billington, 102 E. Wilmans St.

RCV – Ayes: Brooks, Doty, Lodge, Sterken, and Voigts. Nays: None. MC.

Motion Sterken, Brooks, to approve porch building permit for Todd Dreesman, 121 W. Poisal St.

RCV – Ayes: Brooks, Doty, Lodge, Sterken, and Voigts. Nays: None. MC.

Motion Sterken, Brooks, to approve fence building permit for Erma Jane Ferch, 526 W. Greene St.

RCV – Ayes: Brooks, Doty, Lodge, Sterken, and Voigts. Nays: None. MC.

Motion Sterken, Brooks, to approve roof awning building permit for Norman Kauffman for 609 N.

Elizabeth St.

RCV – Ayes: Brooks, Doty, Lodge, Sterken, and Voigts. Nays: None. MC.

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

RCV – Ayes: Brooks, Doty, Lodge, Sterken, and Voigts. Nays: None. MC.

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

RCV – Ayes: Brooks, Doty, Lodge, Sterken, and Voigts. Nays: None. MC.

Motion Brooks, Doty, to adopt first reading of Ordinance No. 291: **AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF CLARKSVILLE, IOWA, BY ADDING A NEW CHAPTER RELATING TO WELL CONTROL ZONES.**

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

SECTION I. NEW CHAPTER. The Code of Ordinances of the City of Clarksville, Iowa, is amended by adding a new Chapter 93 entitled Well Control Zones, which is hereby adopted to read as follows:

**CHAPTER 93
WELL CONTROL ZONES**

The following is inserted in its place:

93.01 CONTROL ZONES ESTABLISHED. "Control Zone 1" herein referred to consists of all lands located within a distance of one hundred feet (100') from the location of the well, and "Control Zone 2" herein referred to consists of all lands located within a distance of two hundred feet (200') from the location of the well.

93.02 CONTROL ZONE 1. It shall be unlawful for any person, persons, or group of persons to use, to erect, or cause to be erected within "Control Zone 1" any of the following structures, uses, or activities:

- A. Land application of solid wastes.
- B. Irrigation of wastewater.
- C. Concrete vaults and septic tanks.
- D. Chemical application to ground surface.
- E. Chemical and mineral storage above ground.
- F. Animal enclosure.
- G. Land application or storage of animal wastes.
- H. Earthen silage storage trench or pit.

93.03 CONTROL ZONE 2. It shall be unlawful for any person, persons, or group of persons to use, to erect, or cause to be erected within "Control Zone 2" any of the following structures, uses, or activities:

- A. Cemetery.
- B. Cesspool and earth pit privies.
- C. Chemical and mineral storage on or underground.
- D. Private well.
- E. Soil absorption field.
- F. Stockpile of animal wastes.
- G. Wastewater plant.
- H. Lagoon.
- I. Sanitary or industrial discharge.
- J. Solid waste disposal site.

93.04 VIOLATION ABATEMENT. Any person, persons, or group of persons found to be violating any provisions of this ordinance shall be served by the city with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

93.05 PENALTY. Any person, persons, or group of persons who shall continue any violation beyond the time limit provided for in Section 93.05 shall be guilty of a misdemeanor, and on conviction thereof shall be fined in the amount not exceeding seven hundred and fifty dollars (\$750.00) for each violation. Every day in which any such violation shall continue shall be deemed a separate offense.

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

RCV – Ayes: Brooks, Doty, Lodge, Sterken, and Voigts. Nays: None. MC.

First reading passed.

No motion was made to waive second and third reading of Ordinance No. 291.

Motion Sterken, Brooks, to adopt first reading of Ordinance No. 292: **AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF CLARKSVILLE, IOWA, BY GRANTING TO MIDAMERICAN ENERGY COMPANY, ITS SUCCESSORS AND ASSIGNS, THE RIGHT AND NON-EXCLUSIVE FRANCHISE TO ACQUIRE, CONSTRUCT, ERECT, MAINTAIN AND OPERATE IN THE CITY OF CLARKSVILLE, IOWA, A NATURAL GAS SYSTEM AND TO FURNISH AND SELL NATURAL GAS TO THE CITY AND ITS INHABITANTS AND AUTHORIZING THE CITY TO COLLECT FRANCHISE FEES FOR A PERIOD OF 25 YEARS.**

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

SECTION 1. SECTION MODIFIED. Chapter 110 of the Code of Ordinances of the City of Clarksville, Iowa, is repealed and the following adopted in lieu thereof:

**CHAPTER 110
NATURAL GAS FRANCHISE**

Section 1. There is hereby granted to MidAmerican Energy Company, an Iowa corporation, (hereinafter called “Company,”) and its successors and assigns, the right and non-exclusive franchise to acquire, construct, erect, maintain and operate in the City of Clarksville, Iowa, (hereinafter called the “City,”) a gas distribution system to furnish natural gas along, under, over and upon the streets, avenues, rights of way and alleys to serve customers within the City, and to furnish and sell natural gas to the City and its inhabitants. The Company is granted the right to exercise of powers of eminent domain, subject to City Council approval. This franchise shall be effective for a twenty-five (25) year period from and after the effective date of this ordinance.

Section 2. The rights and privileges hereby granted are subject to the restrictions and limitations of Chapter 364 of the Code of Iowa 2021 or as subsequently amended or changed.

This ordinance and the rights and privileges herein granted shall become effective and binding upon its approval and passage in accordance with Iowa law and the written acceptance by the Company. The City shall provide Company with an original signed and sealed copy of this ordinance within 10 days of its final passage. The Company shall, within thirty (30) days after the City Council approval of this ordinance, file in the office of the clerk of the City, its acceptance in writing of all the terms and provisions of this ordinance. Following City Council approval, this ordinance shall be published in accordance with the Code of Iowa. The effective date of this ordinance shall be the date of publication. In the event Company does not file its written acceptance of this ordinance within thirty (30) days after its approval by the City Council, this ordinance shall be void and of no effect.

Upon the effective date of this ordinance, all prior franchises granted to the Company to furnish electric service to the City and its inhabitants are hereby repealed and all other ordinances or parts of ordinances in conflict herewith are also hereby repealed.

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: Brooks, Doty, Lodge, Sterken, and Voigts. Nays: None. MC.

First reading passed.

No motion was made to waive second and third reading of Ordinance No. 292.

Motion Sterken, Brooks, to adopt first reading of Ordinance No. 293: **AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF CLARKSVILLE, IOWA, BY GRANTING TO MIDAMERICAN ENERGY COMPANY, ITS SUCCESSORS AND ASSIGNS, THE RIGHT AND NON-EXCLUSIVE FRANCHISE TO ACQUIRE, CONSTRUCT, ERECT, MAINTAIN AND OPERATE IN THE CITY OF CLARKSVILLE, IOWA, AN ELECTRIC SYSTEM AND COMMUNICATIONS FACILITIES AND TO FURNISH AND SELL ELECTRIC ENERGY TO THE CITY AND ITS INHABITANTS AND AUTHORIZING THE CITY TO COLLECT FRANCHISE FEES FOR A PERIOD OF 25 YEARS.**

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

SECTION 1. SECTION MODIFIED. Chapter 111 of the Code of Ordinances of the City of Clarksville, Iowa, is repealed and the following adopted in lieu thereof:

**CHAPTER 111
ELECTRIC FRANCHISE**

Section 1. There is hereby granted to MidAmerican Energy Company, an Iowa corporation, (hereinafter called “Company,”) and its successors and assigns, the right and non-exclusive franchise to acquire, construct, erect, maintain and operate in the City of Clarksville, Iowa, (hereinafter called the “City,”) a system for the transmission and distribution of electric energy and communications signals along, under, over and upon the streets, avenues, rights of way and alleys to serve customers within the City, and to furnish and sell electric energy to the City and its inhabitants. The Company is granted the right to exercise of powers of eminent domain, subject to City Council approval. This franchise shall be effective for a twenty-five (25) year period from and after the effective date of this ordinance.

Section 2. The rights and privileges hereby granted are subject to the restrictions and limitations of Chapter 364 of the Code of Iowa 2021 or as subsequently amended or changed.

This ordinance and the rights and privileges herein granted shall become effective and binding upon its approval and passage in accordance with Iowa law and the written acceptance by the Company. The City shall provide Company with an original signed and sealed copy of this ordinance within 10 days of its final passage. The Company shall, within thirty (30) days after the City Council approval of this ordinance, file in the office of

the clerk of the City, its acceptance in writing of all the terms and provisions of this ordinance. Following City Council approval, this ordinance shall be published in accordance with the Code of Iowa. The effective date of this ordinance shall be the date of publication. In the event Company does not file its written acceptance of this ordinance within thirty (30) days after its approval by the City Council, this ordinance shall be void and of no effect.

Upon the effective date of this ordinance, all prior franchises granted to the Company to furnish electric service to the City and its inhabitants are hereby repealed and all other ordinances or parts of ordinances in conflict herewith are also hereby repealed.

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: Brooks, Doty, Lodge, Sterken, and Voigts. Nays: None. MC.

First reading passed.

No motion was made to waive second and third reading of Ordinance No. 293.

Motion Doty, Lodge, to set a public hearing on July 19, 2021 at 6:30 p.m. at City Hall for MidAmerican Energy natural gas and electric franchise renewals.

RCV – Ayes: Brooks, Doty, Lodge, Sterken, and Voigts. Nays: None. MC.

Motion Sterken, Doty, to approve liquor license for Dollar General.

RCV – Ayes: Brooks, Doty, Lodge, Sterken, and Voigts. Nays: None. MC.

Motion Sterken, Brooks, to approve advertising for full time Maintenance Employee.

RCV – Ayes: Brooks, Doty, Lodge, Sterken, and Voigts. Nays: None. MC.

Motion Sterken, Doty, to change next regular council meeting to Tuesday, July 6, 2021, at 6:30 p.m. due to the holiday.

RCV – Ayes: Brooks, Doty, Lodge, Sterken, and Voigts. Nays: None. MC.

Motion Sterken, to adjourn the regular City Council meeting at 7:52 p.m.

Todd Fails
Mayor

Attest: Lori A. Peterson
City Clerk/Treasurer