

PUBLIC NOTICE

THE MAXWELL CITY COUNCIL WILL HOLD A REGULAR COUNCIL MEETING ON MONDAY, SEPTEMBER 11, 2023, AT 6:00 PM AT MAXWELL CITY HALL, 107 MAIN STREET, MAXWELL, IA

The phone lines have not been connected yet, but everyone is welcome to join via YouTube.

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF AGENDA
4. CITIZENS' FORUM
 - a. OPEN
5. DEPARTMENTAL REPORTS
 - a. SHERIFF
 - b. FIRE DEPT
 - i. NEW MEMBERS
 - c. EMS DEPT
 - i. NEW MEMBER
 - d. LIBRARY
 - e. PUBLIC WORKS
 - f. CITY CLERK
 - g. ENGINEER
 - h. PARKS AND OPEN SPACES BOARD
6. BUSINESS
 - a. DISCUSSION AND ACTION ON REFERAL TO PARKS AND OPNS SPACES ON PROPOSED AMENDMENTS TO THE MAXWELL CITY CODE REGARDING TREES
 - b. DISCUSSION AND ACTION ON TRICK-OR-TREAT
 - c. DISCUSSION AND ACTION ON LIVESTOCK PERMIT FOR 65700 325TH ST
 - d. DISCUSSION AND ACTION ON \$2,000 SET ASIDE FOR VISIONING GRANT
 - e. DISCUSSION AND ACTION ON 2023 LEGISLATIVE CHANGES TO ORDINANCES
 - f. DISCUSSION AND ACTION ON SOLAR ENERGY ORDINANCE
 - g. DISCUSSION AND ACTION ON WATER RATE INCREASE
 - h. DISCUSSION AND ACTION PARKING IN THE ROW FOR LONGER THAN 72 HOURS WITHOUT MOVING
 - i. DISCUSSION AND ACTION ON CORRECTIONS ON LEGAL DOCUMENTS FOR MCHONE DR
 - j. DISCUSSION AND ACTION ON APPOINTMNET OF DPPA CONTACT
 - k. RESOLUTION ON AMENDING THE SALARIES OF EMPLOYEES OF THE CITY FOR THE FISCAL YEAR 2024
7. COUNCIL AND MAYOR REPORTS
 - a. GAST
 - i. INVENTORY OF ALL STREET INLETS
 - ii. OCCUPANCY OF CAMPER/TRAILERS IN THE ROW OR ON PRIVATE PROPERTY
 - iii. STATUS OF EXISTING NUISANCE COMPAINTS
 - b. MYERS
 - c. LAWRENCE
 - d. MILLER
 - e. JANS
 - f. HIGGINS
8. CONSENT AGENDA
 - a. APPROVAL OF ALCOHOL PERMIT FOR WHIMSICAL WINE TRAILOR
 - b. APPROVAL AUGUST 7, 2023 MINUTES & AUGUST 14, 2023 MINUTES
 - c. APPROVAL CURRENT BILLS AS PRESENTED
10. ADJOURN

City Clerk
SEPTEMBER 2023

Miscellaneous Information:

- The audit went well considering that we were in disarray.
- Carrie and I are working well together. There have been a few bumps in the road with both of us learning Utility Billing programs, but we are getting there.
- We have started the slow move back to city hall. We have come up against a few problems, but they were expected.
-

BUDGET REPORT
CALENDAR 9/2023, FISCAL 3/2024

PCT OF FISCAL YTD 25.0%

ACCOUNT NUMBER	ACCOUNT TITLE	TOTAL BUDGET	MTD BALANCE	YTD BALANCE	PERCENT EXPENDED	UNEXPENDED
	POLICE TOTAL	57,390.00	.00	14,345.30	25.00	43,044.70
	EMERGENCY MANAGEMENT TOTAL	.00	.00	.00	.00	.00
	FLOOD CONTROL TOTAL	.00	.00	.00	.00	.00
	FIRE TOTAL	58,560.00	622.00	5,791.61	9.89	52,768.39
	AMBULANCE TOTAL	43,590.00	81.42	2,023.61	4.64	41,566.39
	BUILDING INSPECTIONS TOTAL	8,000.00	557.37	1,242.68	15.53	6,757.32
	ANIMAL CONTROL TOTAL	500.00	.00	.00	.00	500.00
	PUBLIC SAFETY TOTAL	168,040.00	1,260.79	23,403.20	13.93	144,636.80
	ROADS, BRIDGES, SIDEWALKS TOTA	53,490.00	627.55	15,641.85	29.24	37,848.15
	STREET LIGHTING TOTAL	29,000.00	.00	6,459.17	22.27	22,540.83
	SNOW REMOVAL TOTAL	2,380.00	.00	.00	.00	2,380.00
	STREET CLEANING TOTAL	.00	.00	.00	.00	.00
	GARBAGE TOTAL	82,140.00	5,375.27	21,839.57	26.59	60,300.43
	OTHER PUBLIC WORKS TOTAL	.00	.00	.00	.00	.00
	STORM WATER TOTAL	.00	2,649.48	2,649.48	.00	2,649.48
	PUBLIC WORKS TOTAL	167,010.00	8,652.30	46,590.07	27.90	120,419.93
	WATER,AIR,MOSQUITO CONTRO TOTA	2,000.00	.00	.00	.00	2,000.00
	OTHER HEALTH & SOC SERV TOTAL	.00	.00	.00	.00	.00
	HEALTH & SOCIAL SERVICES TOTA	2,000.00	.00	.00	.00	2,000.00
	LIBRARY TOTAL	56,330.00	378.98	3,837.66	6.81	52,492.34
	PARKS TOTAL	95,570.00	2,447.74	9,949.65	10.41	85,620.35
	CEMETERY TOTAL	15,000.00	1,770.00	5,900.00	39.33	9,100.00
	OTHER CULTIRE & REC TOTAL	.00	.00	.00	.00	.00
	CULTURE & RECREATION TOTAL	166,900.00	4,596.72	19,687.31	11.80	147,212.69
	COMMUNITY BEAUTIFICATION TOTA	.00	5,510.50	5,510.50	.00	5,510.50
	ECONOMIC DEVELOPMENT TOTAL	20,500.00	.00	6,510.00	31.76	13,990.00
	PLANNING & ZONING TOTAL	1,000.00	.00	.00	.00	1,000.00
	COMMUNITY & ECONOMIC DEV TOTA	21,500.00	5,510.50	12,020.50	55.91	9,479.50
	MAYOR/COUNCIL/CITY MGR TOTAL	6,920.00	.00	159.00	2.30	6,761.00
	CLERK/TREASURER/ADM TOTAL	64,220.00	2,250.00	11,460.94	17.85	52,759.06
	ELECTIONS TOTAL	1,000.00	.00	.00	.00	1,000.00
	LEGAL SERVICES/ATTORNEY TOTAL	18,000.00	1,079.00	3,476.69	19.31	14,523.31
	CITY HALL/GENERAL BLDGS TOTAL	40,700.00	8,961.23	46,219.16	113.56	5,519.16
	TORT LIABILITY TOTAL	24,210.00	.00	114.94	.47	24,095.06
	GENERAL GOVERNMENT TOTAL	155,050.00	12,290.23	61,430.73	39.62	93,619.27

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CALENDAR 9/2023, FISCAL 3/2024

PCT OF FISCAL YTD 25.0%

ACCOUNT NUMBER	ACCOUNT TITLE	TOTAL BUDGET	MTD BALANCE	YTD BALANCE	PERCENT EXPENDED	UNEXPENDED
	ROADS, BRIDGES, SIDEWALKS TOTA	.00	.00	.00	.00	.00
	WATER TOTAL	.00	.00	.00	.00	.00
	SEWER/SEWAGE DISPOSAL TOTAL	95,341.00	.00	.00	.00	95,341.00
	STORM WATER TOTAL	.00	.00	.00	.00	.00
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	DEBT SERVICE TOTAL	95,341.00	.00	.00	.00	95,341.00
	EMERGENCY MANAGEMENT TOTAL	.00	.00	.00	.00	.00
	ROADS, BRIDGES, SIDEWALKS TOTA	1,600,000.00	.00	2,700.00	.17	1,597,300.00
	STORM WATER TOTAL	.00	.00	.00	.00	.00
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	CAPITAL PROJECTS TOTAL	1,600,000.00	.00	2,700.00	.17	1,597,300.00
	WATER TOTAL	144,210.00	11,385.12	62,177.27	43.12	82,032.73
	SEWER/SEWAGE DISPOSAL TOTAL	347,020.00	2,690.39	33,194.93	9.57	313,825.07
	STORM WATER TOTAL	.00	.00	.00	.00	.00
	TRANSFERS IN/OUT TOTAL	.00	.00	.00	.00	.00
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	ENTERPRISE FUNDS TOTAL	491,230.00	14,075.51	95,372.20	19.41	395,857.80
	TRANSFERS IN/OUT TOTAL	682,479.00	.00	15,460.00	2.27	667,019.00
	GENERAL REVENUES TOTAL	.00	.00	.00	.00	.00
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	TRANSFER OUT TOTAL	682,479.00	.00	15,460.00	2.27	667,019.00
	=====	=====	=====	=====	=====	=====
	TOTAL EXPENSES BY FUNCTION	3,549,550.00	46,386.05	276,664.01	7.79	3,272,885.99
	=====	=====	=====	=====	=====	=====

TREASURER'S REPORT
CALENDAR 8/2023, FISCAL 2/2024

ACCOUNT TITLE	LAST MONTH END BALANCE	RECEIVED	DISBURSED	CHANGE IN LIABILITY	ENDING BALANCE
001 GENERAL	232,741.03	8,311.51	67,423.12	201.15	173,830.57
004 EMS DEPT TRUST	282.56	.00	.00	.00	282.56
005 FIRE DEPT TRUST	36,550.39	.00	.00	.00	36,550.39
008 LIBRARY TRUST	23,048.56	.00	.00	.00	23,048.56
016 WASHINGTON TWSHP TRUST	154,050.50	.00	.00	.00	154,050.50
019 EMERGENCY TRUST	44,608.96	.00	.00	.00	44,608.96
110 ROAD USE TAX	180,611.14	.00	11,362.28	.00	169,248.86
111 I-JOBS	1,114.35	.00	.00	.00	1,114.35
112 EMPLOYEE BENEFITS	5,259.12	.00	.00	.00	5,259.12
119 EMERGENCY FUND	167.84	.00	.00	.00	167.84
120 UTILITY FRANCHISE	134,007.63	.00	.00	.00	134,007.63
121 LOCAL OPTION SALES TAX	377,785.14	.00	.00	.00	377,785.14
125 TAX INCREMENT FINANCING	119,675.15	.00	.00	.00	119,675.15
126 OWEN TIF DISTRICT	3,186.07-	.00	.00	.00	3,186.07-
129 ARP FUNDS	.00	.00	.00	.00	.00
150 ARPA	135,168.82	.00	.00	.00	135,168.82
170 FEMA	28,893.25	.00	.00	.00	28,893.25
171 MAY 2013 FLOOD/HAIL	.00	.00	.00	.00	.00
172 2014 FEMA BUYOUT	.00	.00	.00	.00	.00
200 DEBT SERVICE	631.99	.00	.00	.00	631.99
301 CAPITAL PRJCT FUND - ST	67,762.00	.00	2,700.00	.00	65,062.00
302 CAPITAL FUND PRJCT-STOR	2,158.50-	.00	.00	.00	2,158.50-
303 FEMA WIND DISASTER 2020	27,311.06-	3,747.13	.00	.00	23,563.93-
305 REMOVAL OF TREES	26,000.00	.00	.00	.00	26,000.00
600 WATER	140,683.87	13,666.49	22,420.87	111.78	132,041.27
610 SEWER	86,240.77	26,502.92	14,876.21	111.77	97,979.25
611 2015 SEWER REHAB	35,924.29	.00	.00	.00	35,924.29
612 WWTP FACILITY	.60-	.00	.00	.00	.60-
625 SEWER LOANS	60,472.94	.00	.00	.00	60,472.94
Report Total	1,859,024.07	52,228.05	118,782.48	424.70	1,792,894.34

CITY OF MAXWELL
PERMIT APPLICATION FOR LIVESTOCK
Maxwell City Code sections 55.05

APPLICANT: Tyler Meyer
APPLICANT'S ADDRESS: 65700 South St. Maxwell, Ia 50161
ADDRESS LOCATION OF LIVESTOCK: Same

Please initial each of the following when complete, sign at the bottom, and return all paperwork along with your fee payment to City Hall.

- [] List the number (by type) of livestock to be kept. No more livestock is permitted than is allowed by either the calculations in the "Balancing your Animals with your Forage" document attached (when your animals are exclusively fed through pasturing) or the document "Housing and Space Guidelines for Livestock" (when not feeding your animals through pasturing).

Equine (horses)	_____	
Camelid (llama)	_____	
Bovine (beef) (meat)	<u>2 bulls</u>	(dairy) _____
Caprine (goat) (meat)	<u>6</u>	(dairy) _____
Ovine (sheep) (meat)	<u>6</u>	(dairy) _____

How will you be feeding your livestock? (choose one)

- [] I will be feeding the livestock exclusively by providing a pasture meeting the requirements of "Balancing your Animals with your Forage"
- [] I will be supplementing the feed of the livestock by other than providing a pasture and will meeting the requirements of "Housing and Space Guidelines for Livestock"
- [] Attach a site plan of the premises where the livestock will be kept. Show the dimensions from parcel lines to each building shown (include the primary dwelling, accessory buildings, and proposed location of shelters and fenced exercise pen). Show the dimensions of each building including the proposed shelter and fenced exercise pen.
- [] Attach an illustration of fencing and list of materials for the exercise pen. Include dimensions of the exercise pen (yard) on the site plan.
- [] Attach an illustration of the type of housing and show the proposed boundary setback distances for the housing and yard area on the attached site plan (see the zoning ordinance setbacks).
Note, the livestock must be penned or fenced no closer than 100' to neighbors' residences.

I am applying for a permit to keep 2 bulls for the winter months and 1/2 head of sheep or goats year round. I would use the pasture and sheds to house and graze the sheep and goats.

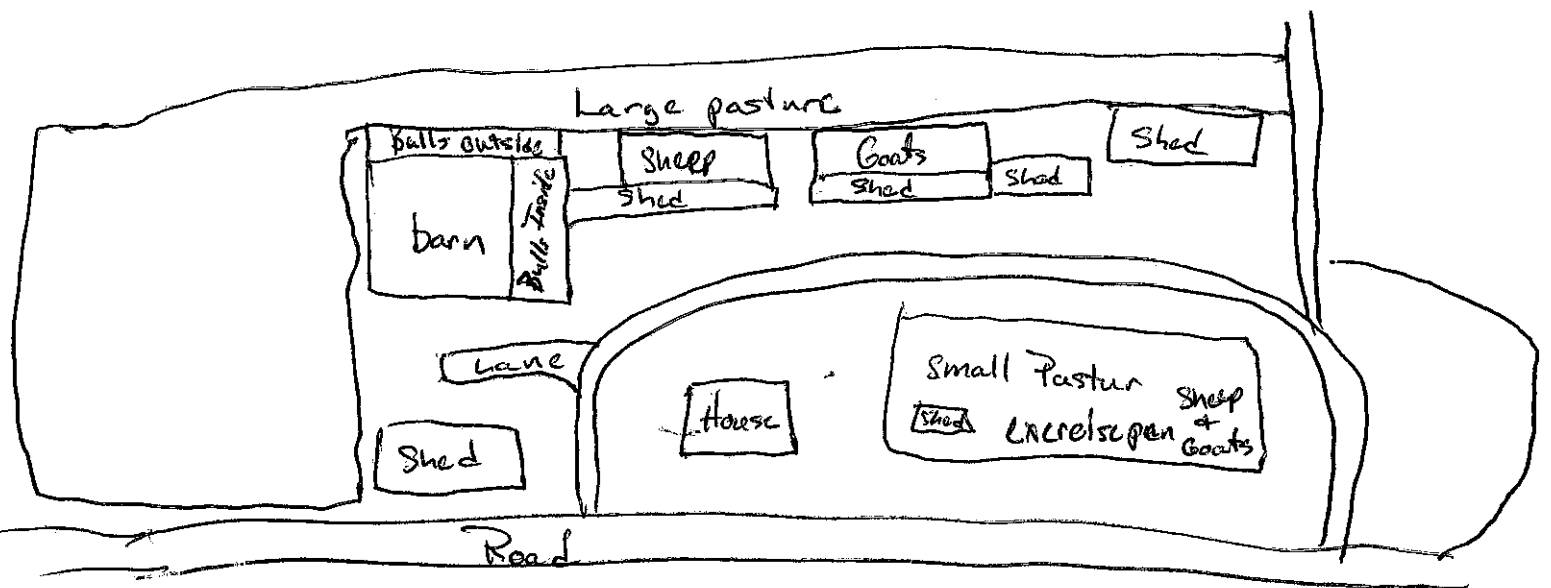
I will be using wire panels for fencing and woven wire.

I have land outside of town to spend waste on.

The spaces that are showed below are areas the livestock would be run on

I will be supplementing feed with the pasture.

all lot sizes will be above the needed size for as I have more than I can use



Maxwell City Hall

107 Main Street • P.O. Box 215 • Maxwell, IA 50161
Telephone (515) 387-8655 • Fax (515) 387-1223

August 28, 2023

Dear Resident,

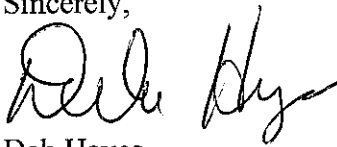
Tyler Meier at 65700 325th St is requesting Livestock Permit for 2 bulls, 6 goats, & 6 sheep. The Maxwell City Council will hold a hearing on Monday, September 11, 2023 at 6:00 pm in City Hall to consider the request.

1. **Livestock.** The Council shall not grant a permit to keep livestock unless:
 - A. The premises is adequately and properly fenced and penned to contain the livestock.
 - B. The premises is adequately sized for the number and type of livestock proposed as demonstrated by following Natural Resources Conservation Services publication entitled "Balancing your Animals with Your Forage" and New Hampshire Extension service publication "Housing and Space Guidelines for Livestock".
 - C. The livestock shall be penned or fenced no closer than 100' to residences other than the residence on the premises.
 - D. A waste disposal plan is provided to the Council showing how animal waste and refuse will be handled.

As an abutting property owner within one hundred (100) feet of the above property, you are being notified of said meeting for any comments you wish to make for or against the proposed permit request. If you are unable to attend, written comments may be left at City Hall any time prior to the meeting.

If you have any questions, please call City Hall at 515-387-8655. We are open Monday, Wednesday-Friday 9:00 a.m. – 5:00 p.m. and Tuesday, Thursday 12:00-5:00 p.m.

Sincerely,



Deb Hayes
Maxwell City Clerk

City of Maxwell -

Jayne Underhill - 515 South St
PO Box 214

Jason Lawrence - 507 North St

Brian + Sandra Carroll - 500 Baldwin St

GSP Family Farm LLC 66150 325th St

CCA Properties LLC - 302 Okolaji Dr
Farley IA 52046

Maxwell City Hall

107 Main Street • P.O. Box 215 • Maxwell, IA 50161
Telephone (515) 387-8655 • Fax (515) 387-1223

August 28, 2023

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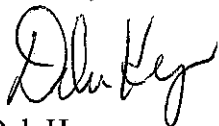
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Sincerely,



Deb Hayes
Maxwell City Clerk

I have No problem at all with livestock. As long as fences are maintained

Good Luck



9/1/23

2023 LEGISLATIVE SUMMARY

Enclosed is the 2023 edition of the summary of bills passed by the Iowa General Assembly that could potentially affect city codes. These pieces of legislation may result in sections of your code being inconsistent with certain State laws. The impact of these changes may differ depending on the language in your city code. Therefore, please review your code carefully to determine which amendments you may need.

As a service to our clients we are offering you an opportunity to purchase the following legislative changes which include a draft ordinance specific to your Code and the related supplementation of that ordinance once adopted. In an effort to keep the cost of the legislative changes as low as possible we kindly ask that you not share any purchased ordinances with other cities. You may feel free to direct them to us for assistance with their code update needs. The fees for these amendments are as listed on the order form.

If you wish to prepare your own amending ordinances, we would be happy to codify them for you after their adoption at the standard supplement rates.

This is also a good time to ensure that all your most current ordinances are supplemented into your code. If you have any ordinances which have not yet been sent to us for supplementation you may send them to us at this time. By regularly sending in ordinances as they are adopted, your city code can be amended to reflect the changes made by the ordinances and provide all readers with the most current language. These ordinances will be codified at the current supplement rates.

If you wish to order legislative changes at this time please complete the attached order form and return it to us by email at info@sc-ic.com or by mail to P.O. Box 244, Storm Lake, Iowa 50588. If you have any ordinances you would like supplemented at this time, please feel free to email those to us at info@sc-ic.com.

This summary is not intended to be an inclusive list of all legislative changes that could have an impact on your city; rather, it is a summary of legislative changes that affect a majority of our clients' codes.

If you have any questions, feel free to contact us at info@sc-ic.com.

Sincerely,

The Iowa Codification Team

2023 LEGISLATIVE CHANGES AFFECTING CITY CODES

HF 573 and SF 514 – Relating to Change in Responsible Department for Alcohol and Tobacco. Changes the responsible department to the Iowa Department of Revenue in multiple sections of these chapters.

HF 718 — Relating to the Fiscal Management of Cities. Chapter 24.2A of the *Code of Iowa* has been added changing the process of preparing a City's budget by adding the requirement of an Annual Statement that notifies property owners of the proposed property tax levy for all political subdivisions and amending the process for approval of a tax levy. Additionally, Section 384.22 of the *Code of Iowa* was amended to change the information reported in the City's Annual Financial Report.

SF 542 — Relating to the Retail Alcohol License. Changes to the code regarding the age that employees are required to be to sell or serve alcoholic beverages and the requirements for hiring a person under 18 years of age.

**** ORDER FORM ****

2023 LEGISLATIVE CHANGES

City _____ Contact Name _____

Mailing Address _____

Zip _____ Email Address _____

Ordered Legislative Changes will be emailed in MS Word format to the email address above.

Place a check in the space provided for each amendment that you want prepared for your city.

Bill	Subject	Price	✓
HF 573 and SF514	Liquor Licenses and Wine and Beer Permits; Cigarette and Tobacco Permits	\$250.00	
HF 718	Fiscal Management	\$250.00	

By submitting this order form, I understand that for each of the above selected amendments ordered, I will be charged a fee, as indicated above, and will receive one amending ordinance, for consideration and approval by the City Council. Following adoption of the ordinances we will return them to Iowa Codification for supplementing. The City will then receive the amended pages for insertion into the City's code books. The bill for these amendments will be sent when the ordinances are emailed. To help keep the cost of the legislative changes as low as possible Iowa Codification is asking that the City not share the provided ordinances, which are written specific to your City's code, with other communities. A flat \$13.00 shipping fee will be added to each order.

- We do not wish to order any legislative changes at this time please keep us on the list for future years.
- Please remove my City from the mailing list.

Signature _____

Title _____

EMAIL ORDER FORM TO INFO@SC-IC.COM

PLEASE DO NOT SEND PAYMENT WITH THE ORDER FORM.

Iowa Admin. Code r. 199-15.11

Current through Register Vol. 46, No. 3, August 9, 2023

Rule 199-15.11 - Additional rate-regulated utility obligations regarding AEP facilities
For purposes of this rule, "MW" means megawatt, "MWH" means megawatt-hour, and "utility" means a rate-regulated electric utility.

(1) Obligation to purchase from AEP facilities. Each utility shall purchase, pursuant to contract, its share of at least 105 MW of AEP generating capacity and associated energy production. The utility's share of 105 MW is based on the utility's estimated percentage share of Iowa peak demand, which is based on the utility's highest monthly peak shown in its 1990 FERC Form 1 annual report, and on its related Iowa sales and total company sales and losses shown in its 1990 FERC Form I and IE-I annual reports. Each utility's share of the 105 MW is determined to be as follows:

	Percentage Share of Iowa Peak	Utility Share of 105 MW
Interstate Power and Light	47.43%	49.8 MW
MidAmerican Energy	52.57%	55.2 MW

A utility is not required to purchase from an AEP facility that is not owned or operated by an individual, firm, copartnership, corporation, company, association, joint stock association, city, town, or county that meets both of the following:

(1) is not primarily engaged in the business of producing or selling electricity, gas, or useful thermal energy other than electricity, gas, or useful thermal energy sold solely from AEP facilities; and **(2)** does not sell electricity, gas, or useful thermal energy to residential users other than the tenants or the owner or operator of the facility.

(2) Purchases pursuant to a legally enforceable obligation. Each AEP facility shall provide electricity on a best-efforts basis pursuant to a legally enforceable obligation for the delivery of electricity over a specified contract term.

(3) Annual reporting requirement. Beginning April 1, 2004, each utility shall file an annual report listing nameplate MW capacity and associated monthly MWH purchased from AEP facilities, itemized by AEP facility.

(4) Tariff filings. Rescinded IAB 6/16/10, effective 7/21/10.

(5) Net metering. Each utility shall offer to operate in parallel through net metering (with a single meter monitoring only the net amount of electricity sold or purchased) with an AEP facility, provided that the facility complies with any applicable standards established in accordance with these rules.

In the alternative, by choice of the facility, the utility and facility shall operate in a purchase and sale arrangement whereby any electricity provided to the utility by the

AEP facility is sold to the utility at the fixed or negotiated buy-back rate, and any electricity provided to the AEP facility by the utility is sold to the facility at the tariffed rate.

Iowa Admin. Code r. 199-15.11

ARC 8859B, IAB 6/16/10, effective 7/21/10

[Rule 199-15.11 - Additional rate-regulated utility obligations regarding AEP facilities, Iowa Admin. Code r. 199-15.11 | Casetext Search + Citator](#)

165XX SOLAR ENERGY SYSTEMS

1. Intent. The intent of the regulations of this Section is to balance the need for clean, renewable energy resources with the need to protect the public health, safety and welfare. The regulations of this Section are found to be necessary to ensure that solar energy conversion systems are appropriately designed, sited and installed.

2. Definitions. For use in this Section, the following definitions shall be controlling:

A. "Solar Energy System (SES)" means an aggregation of parts including the base, supporting structure, photovoltaic or solar thermal panels, inverters and accessory equipment such as utility interconnect and battery banks, in such configuration as necessary to convert radiant energy from the sun into mechanical or electrical energy.

B. "Large Solar Energy System (LSES)" means a solar energy system that has a nameplate rated capacity of over fifteen kilowatts in electrical energy or fifty KBTU of thermal energy for non single-family residential uses and districts and which is incidental and subordinate to a principal use on the same parcel. A system is considered an LSES only if it supplies electrical power or thermal energy solely for use by the owner on the site, except that when a parcel on which the system is installed also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed by the owner for on-site use may be used by the utility company in accordance with section 199, chapter 15.11(5) of the Iowa Administrative Code, as amended from time to time.

C. "Small Solar Energy System (SSES)" means a solar energy system that has a nameplate rated capacity of up to fifteen kilowatts in electrical energy or fifty KBTU of thermal energy for residential uses and districts and that is incidental and subordinate to a principal use on the same parcel. A system is considered an SSES only if it supplies electrical power or thermal energy solely for use by the owner on the site, except that when a parcel on which the system is installed also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed by the owner for on-site use may be used by the utility company in accordance with section 199, chapter 15.11(5) of the Iowa Administrative Code, as amended from time to time.

D. "Solar Energy System, Building Mounted" means a SES that is securely fastened to any portion of a building roof, whether attached directly to a principal or accessory building.

E. "Solar Energy System, Ground Mounted" means a SES that is not located on a building and is installed on the ground.

F. "Total System Height for Building Mounted System" means the height above roof surface measured perpendicular to the roof specific to the installation on a sloped roof or the height above the roof surface specific to the installation on a flat roof.

G. "Total System Height for Ground Mounted System" means the height above grade from the highest point, including the supporting structure, related equipment and the collector panels. Adjustable angle systems shall be measured from the highest point when the system is at its maximum vertical extension.

H. "Off Grid" means an electrical system that is not connected to a utility distribution grid.

I. "Solar Access" means a property owner's right to have sunlight shine on his land.

J. "Solar Energy" means radiant energy received from the sun at wavelengths suitable for heat transfer, photosynthetic use or photovoltaic use.

K. "Solar Energy System, Building Integrated" means a solar photovoltaic system that is constructed as an integral part of a principal or accessory building and where the collector component maintains a uniform profile or surface with the building's vertical walls, window openings, and roofing. Such a system is used in lieu of an architectural or structural component of the building. A building integrated system may occur within vertical facades, replacing glazing or other facade material; into semitransparent skylight systems; into roofing systems, replacing traditional roofing materials; or other building or structure envelope systems. To be considered a building integrated solar energy system, the appearance of the collector components must be consistent with the surrounding materials.

L. "Utility Scale Solar Energy System" means a solar energy system that supplies electrical power or thermal energy solely for use by off-site consumers.

M. "Kilowatt" (kW) is equal to 1,000 watts.

N. "Watt" (W) is the International System of Units' standard unit of power, the equivalent of one joule per second.

3. Permitted SES. The following solar energy systems (SES) are permitted in all zoning districts within the City of Maxwell, subject to the stated limitations:

- A. A building integrated system.
- B. A building mounted system attached to the roof of an accessory or primary structure.
- C. A ground mounted system as a detached accessory structure to a primary structure.
- D. Large solar energy systems (LSES) are not allowed in RE, R-S and R-1 districts.
- E. Utility scale solar energy systems are not allowed.

4. Building Permit Required. It shall be unlawful to construct, erect, install, alter or locate any solar energy system (SES) within the City of Maxwell, unless approved with a building permit. The application for building permit shall include:

- A. A site plan showing the location of the system on the site, the area of the base of the system and the total height of the system;
- B. Standard drawings and dimensional representations of the system and all its components, including the supporting frame and footings;
- C. A line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the national electrical code; and
- D. For systems to be mounted on existing buildings, an engineering analysis showing sufficient structural capacity of the receiving structure to support the SES per the applicable code regulations, certified by an Iowa licensed professional engineer.

5. Compliance with All Governmental Regulations. The owner/operator of the SES shall obtain any other permits required by other Federal, state and local agencies/departments prior to erecting the system.

6. Installation and Certification. Installation shall be subject to certification by the City building inspector. Installation must be done according to manufacturer's recommendations. All work must be completed according to the applicable building, fire and electric codes. All electrical components must meet code recognized test standards.

7. Color. The base of the SES shall be a neutral color. All surfaces shall be non-reflective to minimize glare that could affect adjacent or nearby properties. Measures to minimize nuisance glare may be required including modifying the surface material, placement or orientation of the system, and if necessary, adding screening to block glare.

8. Lighting. No lighting other than required safety lights or indicators shall be installed on the SES.

9. Signage. No advertising or signage other than the manufacturer's identification logo shall be permitted on the SES.

10. Maintenance. The SES shall be well maintained in an operational condition that poses no potential safety hazard. Should the SES fall into disrepair and be in such dilapidated condition that it poses a safety hazard or would be considered generally offensive to the senses of the general public, the SES may be deemed a public nuisance and will be subject to abatement as such.

11. Displacement of Parking Prohibited. The location of the SES shall not result in the net loss of minimum required parking.

12. Utility Notification. No SES that generates electricity shall be installed until evidence has been given that the utility company has been informed of and is in agreement with the customer's intent to install an interconnected customer owned generator. Off grid systems shall be exempt from this requirement.

13. Interconnection. The SES, if interconnected to a utility system, shall meet the requirements for interconnection and operation as set forth by the utility and the Iowa Utilities Board.

14. Restriction on Use Of Energy Generated. An SES shall be used exclusively to supply electrical power or thermal energy for on-site consumption, except that excess electrical power generated by the SES and not presently needed for on site use may be used by the utility company in accordance with section 199, chapter 15.11(5) of the Iowa Administrative Code.

15. Shutoff. A clearly marked and easily accessible shutoff for any SES that generates electricity will be required as determined by the Fire Marshal.

16. Electromagnetic Interference. All SESs shall be designed and constructed so as not to cause radio and television interference. If it is determined that the SES is causing electromagnetic interference, the operator shall take the necessary corrective action to eliminate this interference including relocation or removal of the facilities, subject to the approval of the appropriate City authority. A permit granting an SES may be revoked if electromagnetic interference from the SES becomes evident.

17. Solar Access Easements. The enactment of this Section does not constitute the granting of an easement by the City. The owner/operator may need to acquire covenants, easements, or similar documentation to assure sufficient solar exposure to operate the SES unless adequate accessibility to the

sun is provided by the site. Such covenants, easements, or similar documentation is the sole responsibility of the owner/operator. Should the owner/operator pursue a solar access easement, the extent of the solar access should be defined and the easement document executed in compliance with the regulations contained in Iowa Code chapter 564A (access to solar energy).

18. Removal. If the SES remains nonfunctional or inoperative for a continuous period of one year, the system shall be deemed to be abandoned. The owner/operator shall remove the abandoned system at their expense. Removal of the system includes the entire structure, collector panels and related equipment from the property excluding foundations. Should the owner/operator fail to remove the system, the SES will be considered a public nuisance and will be subject to abatement as such.

19. Nonconforming Systems. An SES that has been installed on or before the effective date of this Section and is in active use and does not comply with any or all the provisions of this Section shall be considered a legal nonconforming structure under the provisions of the Zoning Ordinance.

20. Unsafe Condition. Nothing in this Section shall be deemed to prevent the strengthening or restoring to a safe condition of any SES or associated building or structure, or any part thereof, declared to be unsafe by the appropriate authority.

21. Bulk Regulations.

A. Location.

(1) No more than one SES may be placed on any zoned lot unless otherwise specifically approved by the City Council.

(2) No SES shall be constructed within twenty feet laterally from an overhead electrical power line, excluding secondary electrical service lines or service drops.

(3) Ground Mounted SES.

(a) No part of an SES shall be located within or over drainage, utility or other established easements, or on or over property lines.

(b) The SES shall be located in accordance with the regulations for detached accessory structures in Zoning Ordinance or not less than one foot from the property line for every one foot of the system height measured at its maximum height, whichever is most restrictive.

(c) A LSES shall not be located in the front yard setback.

(d) A SES shall not be located in any required buffer.

(e) The setback from underground electric distribution lines shall be at least five feet.

(f) No SES shall be located which may obstruct vision between a height of thirty inches and ten feet on any corner lot within a vision triangle of twenty-five feet formed by intersecting street right of way lines.

(4) Building Mounted SES.

(a) The SES shall be set back not less than one foot from the exterior perimeter of the roof for every one foot the system extends above the parapet wall or roof surface.

(b) Should the SES be mounted on an existing structure that does not conform to current setback requirements, the SES shall be installed to meet the current setback requirements applicable to the structure.

(c) The SES shall be designed to minimize its visual presence to surrounding properties and public thoroughfares. Panel arrangement shall take into account the proportion of the roof surface, and panels shall be placed in a consistent manner without gaps unless necessary to accommodate vents, skylights or equipment.

(d) Access pathways for the SES shall be provided in accordance to all applicable building, fire and safety codes.

(e) The SAS shall be located in such a manner that fall protection railings are not required or are not visible from the public thoroughfare.

(5) Building Integrated SES:

(a) No setback required.

(b) Access pathways for the SES shall be provided in accordance to all applicable building, fire and safety codes.

(c) The SES shall be located in such a manner that fall protection railings are not required or are not visible from the public thoroughfare.

B. Height.

(1) Ground Mounted SES. The maximum height of the SES shall not exceed eighteen feet in height as measured from existing grade.

(2) Building Mounted SES.

(a) The collector panel surface and mounting system shall not extend higher than eighteen inches above the roof surface of a sloped roof.

(b) The collector panel surface and mounting system shall not extend higher than seven feet above the roof surface of a flat roof.

(3) Building Integrated SES. The collector panel shall maintain a uniform profile or surface with the building's vertical walls, window openings, and roofing.

C. Size.

(1) Size of the SES is calculated by measuring the total surface area of the collector panels for the system.

(2) Ground Mounted SES.

(a) In RE, R-S and R-1 districts, the SES is restricted in size to no more than the allowed area for detached accessory structures on the specific property. The SES would be included in the collective total of all detached accessory structures.

(b) In all other zoning districts, the SES is restricted in size to no more than fifty percent of the area of the footprint of the largest primary structure.

(3) Building Mounted SES. System size will be determined by the available roof area subject to the installation, minus the required setbacks or access pathways.

(4) Building Integrated SES. System size will be determined by the available building surface area subject to the installation, minus the required access pathways.

~~Solar Access: No structure or improvements to an existing structure shall be situated so that it shades an adjacent residence in a significant way, or interferes significantly in the use of solar devices.~~


Corrected Deeds & 2.1 Affidavit of Compliance (McHone St-Bridge)

Teryl Verploeg <tverploeg@lawyeriowa.com>

Thu 8/24/2023 4:03 PM

To:Cityof Maxwell <cityofmaxwell@hotmail.com>

Cc:Randal Caldwell <RCaldwell@lawyeriowa.com>

 4 attachments (3 MB)

Corrected Deed and 2-1 Affidavit Reason & Motion.pdf; Corrected Deed Without Warranty - Mchone Street-Bridge (Tankersley) 8-24-2023.pdf; Corrected Deed Without Warranty - Mchone Street-Bridge (Prince) 8-24-2023.pdf; Corrected 2-1 Affidavit of Compliance Mchone Street-Bridge 8-23-2023.pdf;

Good Afternoon Deb,

Find attached the corrected 2.1 Affidavit of Compliance and the Deeds Without Warranty that need to be signed after the council approves doing the corrections. I've attached a document that gives the two reasons for the corrected documents. It includes a proposed motion to use. If you have questions, give us a call or email.

Friendly Regards,
Teryl Verploeg
Real Estate Closing Asst.
Caldwell & Brierly, PLLC
211 1st Ave. W.
P.O. Box 726
Newton, IA 50208
P: (641) 792-4160
F: (641) 792-2410
E: tverploeg@lawyeriowa.com

Deeds and the Affidavit of Compliance need to be corrected for:

1. Rhonda Sykes (Story County Deputy Auditor) has identified McHone Dr. to be 66 ft wide, not 40 ft.. Legal descriptions need to be corrected to say 33 ft for Tankersley and Prince.
2. When McHone Dr was vacated, Prince's address changed from 55 McHone Dr to 523 South St.

Proposed Motion:

Motion approving the preparation and signing by the mayor and clerk of the Corrected Deeds Without Warranty and a Corrected 2.1 Affidavit of Compliance to modify the legal description of each half of McHone Dr. from 20ft to 33ft for Kevin & Susan Tankersley and Joseph & Carolyn Prince and to change the Prince's address to 523 South St and to have the clerk submit the fully executed documents to the Story County Recorder for recording.

(CORRECTED)
DEED WITHOUT WARRANTY
(CORPORATE GRANTOR)
Recorder's Cover Sheet

Preparer Information: Randal B. Caldwell, 211 First Ave. W., Newton, IA 50208,
Phone: (641) 792-4160

Taxpayer Information: Kevin D. Tankersley & Susan M. Tankersley, 521 South St,
Maxwell, IA 50161

Return Address: Randal B. Caldwell, 211 First Ave. W., Newton, IA 50208

Grantors: City of Maxwell, Iowa

Grantees: Kevin D. Tankersley & Susan M. Tankersley

Legal Description: See page 2

Document or instrument number if applicable: _____



(CORRECTED)
DEED WITHOUT WARRANTY
(CORPORATE GRANTOR)

For the consideration of \$1.00 and other valuable consideration, City of Maxwell, Iowa, a corporation organized and existing under the laws of Iowa, does hereby Convey to Kevin D. Tankersley & Susan M. Tankersley, husband and wife as joint tenants with full rights of survivorship and not as tenants in common, the following described real estate in Story County, Iowa:

The East 33 feet of Lot Fourteen (14), Except the West Six Hundred (600) Feet thereof, and except the former Right-of-way of the Chicago, Milwaukee, St. Paul Railway Company and easement for the public highway and except that part of Lot 14 lying east of the County road now known and designated as 657th Avenue in the City of Maxwell, Story County, Iowa, and the Southwest Quarter (SW ¼) of the Northeast Quarter (NE ¼) of Section Twenty-seven (27), Township Eighty-two (82) North, Range Twenty-two (22) West of the 5th P.M.

There is no known private burial site, well, solid waste disposal site, underground storage tank, hazardous waste, or private sewage disposal system on the property as described in Iowa Code Section 558.69, and therefore the transaction is exempt from the requirement to submit a groundwater hazard statement.

This deed is exempt according to Iowa Code 428A.2(10).

The Corporation hereby covenants with grantees, and successors in interest, that it holds the real estate by title in fee simple; that it has good and lawful authority to sell and convey the real estate; that the real estate is free and clear of all liens and encumbrances, except as may be above stated; and it covenants to Warrant and Defend the real estate against the lawful claims of all persons, except as may be above stated.

Words and phrases herein, including acknowledgment hereof, shall be construed as in the singular or plural number, according to the context.

Dated: _____.

City of Maxwell, an Iowa corporation

By _____
Dale Higgins, Mayor

By: _____
Debra Hayes, City Clerk

STATE OF IOWA, COUNTY OF STORY

This record was acknowledged before me on _____,
by Dale Higgins, as Mayor, of City of Maxwell, Iowa.

Signature of Notary Public

STATE OF IOWA, COUNTY OF STORY

This record was acknowledged before me on _____,
by Debra Hayes, as City Clerk, of City of Maxwell, Iowa.

Signature of Notary Public

(CORRECTED)
DEED WITHOUT WARRANTY
(CORPORATE GRANTOR)
Recorder's Cover Sheet

Preparer Information: Randal B. Caldwell, 211 First Ave. W., Newton, IA 50208,
Phone: (641) 792-4160

Taxpayer Information: Joseph Prince & Carolyn Prince, 523 South St, Maxwell, IA 50161

Return Address: Randal B. Caldwell, 211 First Ave. W., Newton, IA 50208

Grantors: City of Maxwell, Iowa

Grantees: Joseph Prince & Carolyn Prince

Legal Description: See page 2

Document or instrument number if applicable: _____



(CORRECTED)
DEED WITHOUT WARRANTY
(CORPORATE GRANTOR)

For the consideration of \$1.00 and other valuable consideration, City of Maxwell, Iowa, a corporation organized and existing under the laws of Iowa, does hereby Convey to Joseph Prince & Carolyn Prince, husband and wife as joint tenants with full rights of survivorship and not as tenants in common, the following described real estate in Story County, Iowa:

The West 33 feet of the West Half (W ½) of all that part of the Southeast Quarter (SE ¼) of the Northeast Quarter (NE ¼) of Section Twenty-seven (27), Township Eighty-two (82) North, Range Twenty-two (22) West of the 5th P.M., Iowa, lying South of the Railroad Right-of-Way.

There is no known private burial site, well, solid waste disposal site, underground storage tank, hazardous waste, or private sewage disposal system on the property as described in Iowa Code Section 558.69, and therefore the transaction is exempt from the requirement to submit a groundwater hazard statement.

This deed is exempt according to Iowa Code 428A.2(10).

The Corporation hereby covenants with grantees, and successors in interest, that it holds the real estate by title in fee simple; that it has good and lawful authority to sell and convey the real estate; that the real estate is free and clear of all liens and encumbrances, except as may be above stated; and it covenants to Warrant and Defend the real estate against the lawful claims of all persons, except as may be above stated.

Words and phrases herein, including acknowledgment hereof, shall be construed as in the singular or plural number, according to the context.

Dated: _____.

City of Maxwell, an Iowa corporation

By _____
Dale Higgins, Mayor

By: _____
Debra Hayes, City Clerk

STATE OF IOWA, COUNTY OF STORY

This record was acknowledged before me on _____,
by Dale Higgins, as Mayor, of City of Maxwell, Iowa.

Signature of Notary Public

STATE OF IOWA, COUNTY OF STORY

This record was acknowledged before me on _____,
by Debra Hayes, as City Clerk, of City of Maxwell, Iowa.

Signature of Notary Public

(CORRECTED)
AFFIDAVIT OF COMPLIANCE SECTION 2.1
OF THE IOWA TITLE STANDARDS
Recorder's Cover Sheet

Preparer Information: Randal B. Caldwell, 211 First Ave. W., Newton, IA 50208,
Phone: (641) 792-4160

Taxpayer Information: Kevin D. Tankersley & Susan M. Tankersley, 521 South St,
Maxwell, IA 50161 AND
Joseph Prince & Carolyn Prince, 523 South St, Maxwell, IA 50161

Return Address: Randal B. Caldwell, 211 First Ave. W., Newton, IA 50208

Grantors: City of Maxwell, Iowa

Grantees: Kevin D. Tankersley & Susan M. Tankersley AND Joseph Prince & Carolyn Prince

Legal Description: See page 2

Document or instrument number if applicable: _____

(CORRECTED)
AFFIDAVIT OF COMPLIANCE
SECTION 2.1 OF THE IOWA TITLE STANDARDS

TO WHOM IT MAY CONCERN:

STATE OF IOWA, STORY COUNTY, ss:

The Undersigned, first being duly sworn (affirmed) upon oath, deposes and states:

The City of Maxwell, Iowa is now the record titleholder of the following described real estate situated in Story, to-wit:

The East 33 feet of Lot Fourteen (14), Except the West Six Hundred (600) Feet thereof, and except the former Right-of-way of the Chicago, Milwaukee, St. Paul Railway Company and easement for the public highway and except that part of Lot 14 lying east of the County road now known and designated as 657th Avenue in the City of Maxwell, Story County, Iowa, and the Southwest Quarter (SW ¼) of the Northeast Quarter (NE ¼) of Section Twenty-seven (27), Township Eighty-two (82) North, Range Twenty-two (22) West of the 5th P.M.

AND

The West 33 feet of the West Half (W ½) of all that part of the Southeast Quarter (SE ¼) of the Northeast Quarter (NE ¼) of Section Twenty-seven (27), Township Eighty-two (82) North, Range Twenty-two (22) West of the 5th P.M., Iowa, lying South of the Railroad Right-of-Way.

That said City of Maxwell, Iowa has resolved to sell said property, and has published due notice of intent to dispose of said real estate pursuant to Iowa Code Sec. 364.7. Said Resolution and Proof of Publication and Resolution appointing sale of real Property are attached to this affidavit herewith for filing of record.

Dated this _____ day of _____, 2023.

CITY OF MAXWELL, IOWA

By: _____
Dale Higgins, Mayor

By: _____
Debra Hayes, City Clerk

DISCUSSION AND ACTION ON APPOINTMNET OF DPPA CONTACT

This action is to appoint a person to be the contact for the Driver's Privacy Protection Act of 1994. This will allow the contact to look up vehicle plates. In the past, the contact has been with the clerk. This was used to look up the owner of the vehicle who was issued a ticket.

RESOLUTION 2023-??

**A RESOLUTION AMENDING THE SALARIES FOR EMPLOYEES
OF THE CITY FOR THE YEAR 2024.**

WHEREAS, employee evaluations have been completed for Fiscal Year 2023, and

WHEREAS, the City of Maxwell has budgeted pay increases for Fiscal Year 2024.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Maxwell, Iowa the following persons and positions named shall be paid, commencing on July 1, 2023, the salaries or wages indicated and the Clerk is authorized to issue warrants/checks, less legally required or authorized deductions from the amounts set out below, and make such contributions to IPERS and Social Security or other purpose as required by law or authorization of the council, all subject to audit and review by the council:

<u>Position</u>	<u>Rate</u>	<u>Regular Hours</u>	<u>Incumbent</u>
Public Works Director	\$30.36/hr.	Full-Time	Tony Ness
Public Works Assistant	\$18.00/hr.	60/pay period	Scott Johnson
City Clerk	\$24.02/hr.	Full-Time	Debra Hayes
Deputy Clerk/Treasurer	\$17.00/hr.	40/pay period	Carrie Heaps
Librarian	\$13.00/hr.	Part-Time	Anna Baldwin
Part-Time Asst Librarian	\$ 8.25/hr.	Temporary	Anya Lee
Summer Maintenance	\$ 10.00/hr.	Temporary	
Snow Removal	\$12.00/hr.	Temporary	
Fire Chief	\$1,000.00/yr.	Salaried	
EMS Chief	\$1,000.00/yr.	Salaried	

Overtime hours (time in excess of 40 hours per week) shall be paid for at one and one half times the hourly rate for the job performed.

Motion to approve:

Second:

Roll Call Vote: Myers ____ Gast ____ Lawrence ____ Miller ____ Jans ____

ATTEST:

Deb Hayes, City Clerk

Dale Higgins, Mayor

The Mayor declared the Resolution passed and enacted on the 11th day of September, 2023

Deb Hayes, City Clerk

CITY OF MAXWELL, IOWA
MAXWELL CITY COUNCIL REGULAR MEETING
MONDAY, AUGUST 7, 2023, 5:00 P.M. CITY HALL

1. The meeting was called to order by Mayor Dale Higgins at 5:00 P.M.
2. Roll call was answered by Steve Gast, Lauryn Myers, Doug Miller & Ken Jans. Meggen Lawrence absent. Visitors: Wes Farrand, Spencer Wignall, Patrick Shehan, Connie Smith, Becky Pointer, Sue Philpott, Mitzi DeGroot, Shawn Carlon, Royal Mansfield, Steve Flickinger, Alex Golly, Joe Palansky.
3. A motion to approve the agenda with moving Sheriff's Report, 6a, 7a, 7j & 7h before Citizen's Forum was moved by Myers. Miller seconded. 4 ayes.
 - 5a. Sheriff Department – Speed trailer results were shared with council.
 - 6a. A Resolution Approving Vacation of Property and Conveyance of Real Property – Gast moved to open to meeting to public. Miller seconded. 4 ayes. No public comment. Gast moved to close meeting to public. Miller seconded. 4 ayes. Miller moved to approve Resolution approving Vacation and Conveyance of Real Property. 4 ayes. The property is next to 210 Railway Ave and was sold to Shawn Carlon for \$1000.
 - 7a. Discussion and Action on Homecoming Parade and Route – Homecoming parade will be September 12 at 5:00pm. It will start on Broad St and run up Main St to 3rd St. Gast moved to approve and authorize the mayor to sign the DOT document. Myers seconded. 4 ayes.
 - 7j. Discussion and Action on Street Parking at School and Hiring Striping Contractor to Paint Parking Lines. – Discussion on parking at school, which included handicap parking during sports activities, angle parking vs straight parking at football field and costs of striping the parking areas. ***** Miller moved to convert the parking to angle parking. No second. Motion failed. Gast moved to engage a company with the low bid to paint the line on the eastside of Maxwell St., northside of 3rd St., and the westside of Metcalf St. using Road Use Funds. Jans seconded. 4 ayes.
4. Citizens Forum
 - a. Connie Smith – Connie Smith was present to discuss the building permit process. She had a sunroom added to her house, but the footing inspection was never done. This caused the room to sink and had to be removed. She would like to know why the inspections are not enforced. There is a committee looking into this issue and writing guidelines and checklists for future permits.
 - b. Becky Pointer – Becky was present to thank the city employees for all the help they did before and during Old Settler's.
 - c. Sue Philpott – 1) Sue Philpott was present to discuss the drainage issue along the eastside of 6th St. With the heavy rains, 6th St. was flooding. It is a narrow street. 2) At Dollar General there was a four-wheeler with a bunch of kids riding it. It was a dangerous situation. The council suggested Sue calls the Sheriff's Office if she sees it again.
 - d. Joe Palansky – Joe Palansky was present to discuss the issues of parking during Old Settler's. It was a hazard with the truck puller attendees parking on both sides of the gravel road. There was much discussion on Old Settlers, fireworks, truck pull, parking and events in park. It was recommended that all parties involved meet and work out the differences.
Myers moved to close Citizens Forum. Miller seconded. 4 ayes.

5. Department Reports

- b. Fire – Written report on file.
- c. EMS – Written report on file
- d. Library – Written report on file
- e. Public Works – Written report on file.
- f. City Clerk – Written report on file. Discussion n Treasurers Report.
- g. Engineer- Discussion on Water Treatment Wastewater Improvements was discussed and what needed to happen going forward. Other items on agenda
- h. Parks and Open Spaces - Written report on file.

Gast moved to receive and file reports. Jans seconded. 4 ayes.

Public Hearing

- b. A Public Hearing to consider a Community Development and Housing Needs Assessment. - Miller moved to open to public. Jans seconded 4 ayes. Mayor Higgins read the following announcements.

CITY OF MAXWELL

PUBLIC HEARING ANNOUNCEMENTS

A. Explain how the need for the activities was identified.

- The need for the proposed Maxwell Water Main Improvement Project is due to a need to provide residents within the target neighborhood with a safe and high-quality water supply.

B. Explain how the proposed activities will be funded and the sources of funds.

- The project will be funded with a combination of CDBG funds and a General Obligation Bond. It is estimated that the total project cost will be \$640,348.50.

C. Announce the date the CDBG application will be submitted to the State.

- The grant application will be submitted to the Iowa Economic Development Authority no later than October 1, 2023, at midnight.

D. Announce the requested amount of federal funds.

- The City is requesting \$300,000.00 in CDBG funds for the proposed project.

E. Announce the estimated portion of funds that will benefit low-and-moderate income persons.

- The project will result in a target neighborhood benefit and based on a 2022 LMI survey, 51.79% of the residents living in the City who will be impacted by the project are of low-and-moderate income.

F. Announce where the proposed activities will be conducted.

- The proposed project activities will take place in the City of Maxwell within the existing public right-of-way along Baldwin Street between North Street and 6th Street.

G. Announce plans to minimize displacement of persons and businesses resulting of funded activities.

- The proposed project will not result in the displacement or relocation of any persons or businesses.

H. Announce plans to assist persons actually displaced.

- No persons will be displaced by the proposed project.

I. Announce the nature of the proposed activities.

- The nature of the proposed project involves the construction of 1,126 linear feet of water main, two fire hydrants, related service connections, excavation and restoration work related directly to the replacement of the water mains.

Gast moved to close public meeting. Jans seconded. 4 ayes

- a. Gast moved to approve Resolution adopting Community Development and Housing Needs Assessment. with the addition of Woodlawn Storm Sewer Project. Jans seconded. 4 ayes
- b. Gast moved to approve the Resolution Endorsing and Authorizing Submission of an Application for Community Development Block Grant Funds. Jans seconded. 4 ayes.
- c. Gast moved to approve a Resolution Committing Matching Funds for a Community Development Block Grant Application. Myers seconded 4 ayes.

7. Business

- b. Discussion and Action on Heart of Iowa Nature Trail Master Planning – Spencer Wignall from Snyder and Associates and Pat Sheehan Story County Conservation were present to discuss the Heart of Iowa Trail. They would like the city to take out a small Reap grant to help with the trail within city limits. As the county has a grant to pave the trail from Skunk River to Collins. Gast moved to authorize the mayor to sign the Memorandum of Understanding with the changes discussed and to have the Chair of the Roads Committee and Parks and Open Spaces and Public Works Director work with Snyder and Associate on the Reap Grant. Myers seconded. 4 ayes.
- c. Discussion and Action on Baldwin Street Reconstruction Project –. Spencer Wignall talked about Baldwin St and various options to repair it. Gast would like to see whole project done with storm sewer, leveling the road and a new base. This would create outlets for future storm sewer projects. Jans moved to defer the permit until it was properly filled out. Gast seconded. 5 ayes.
- d. Discussion and Action on DNR Requirements for permits and Grant Funding for Proposed Upgrades to Water Treatment.– Wes Farrand discussed DNR requirements for water discharge permit and what was finalized for the moving forward. Gast moved to approve the construction documents and that the project be paid out of water. Myers seconded 4 ayes.
- e. Discussion and Action on Scope of Services for Woodlawn Street Storm Sewer Project – Gast moved to approve the Scope of Services for Woodlawn Storm Sewer Project and be paid out of the franchise tax fund. Jans seconded. 4 ayes.
- f. Discussion and Action on Hiring Tree Removal Service – Four bids were received Tree Hugger = \$41,500, Jacob Turnbull = \$49,000, Indian Creek Tree Service = \$30,200, Wildish Tree Care = \$27,750, & Top Notch = \$42,500. Gast moved to approve Wildish Tree Care if his price includes clean-up and hauling. If not, the project will be awarded to Indian Creek Tree Services. Miller seconded. 4 ayes
- g. Discussion and Action to Approve Insurance Increases for Fire Station and Water Treatment Plant - The insurance suggested that the coverage of the fire station and water plant be raised. Gast moved that if the increase is for next year's budget, then it should be approved. Miller seconded. 4 ayes
- h. Discussion and Action on Hiring Grant Writer – Tabled for next meeting.
- i. Discussion and Action on Approving Maxwell Market to Host the Fall Festival on October 15th – Tabled for next meeting.
- k. Discussion and Action on Hiring Public Works Assistant - 2 applicates we interviewed. Gast moved to offer the position to Scott Johnson as advised by the committee for 30 hours a week at \$18 an hour. Myers seconded. 4 ayes.

- l. Discussion and Action on Hiring Deputy Clerk Position – 4 applicates were interviewed. Jans moved to offer candidate #1 the job per the committee’s recommendation at \$17 per hour for 20 hours a week. Gast seconded 4 ayes.
 - m. Discussion and Action on Employee Reviews – Yearly reviews for the 2 full-time employees were given. Both were given exceeded expectations. Gast moved to give each a 2% merit plus 8% cost of living. Jans seconded. 4 ayes.
 - n. Discussion and Action on Approval of Payment for OOR Grant Recipients – 2 recipients have completed the work. Miller moved to have the building inspectors sign off on the projects to ensure completion. Myers seconded. 4 ayes
6. Council and Mayor Reports –
- a. Steve Gast- 1) Steve commends the mayor on the handling of a difficult situation on Saturday. 2) He would like to thank Tony for raking the debris from the drains on Sunday after the heavy downpour. 3) Steve asked about the status of the documents due to Story County Management. A meeting with Tony, Scott, Steve, Doug and Dale was set to finalize the document.
 - b. Doug Miller – 1) Doug asked when the road crew was going to be working on the road. Scholl will be starting soon. 2) Doug talked about the new funding from SCEDG which will be approximately \$7,500. The council needs to start thinking about what Economic Development projects they would like to do. 3) Has anyone looked at alternatives to the storage unit? Discussion on shipping containers took place. .
9. Consent Agenda
- a. Gast moved to approve the consent agenda. Jans seconded. 4 ayes.
 - b. Bills presented were as follows:

CLAIMS REPORT

VENDOR	REFERENCE	AMOUNT
ACTIVE911 INC	ALERTING SUBSCRIPTION	\$390.00
AFLAC	AFLAC CANCER	\$226.86
ALLIANT ENERGY	MONTHLY UTILITY BILL	\$17,236.50
ALTERNATIVE SERVICES	CEMETERY MOWING	\$1,770.00
CALDWELL,BRIERLY,& CHALUPA LLC	LAND SALES,LIVESTOCK	\$1,425.75
CENTRAL IOWA SHORTLINE LLC	JUST ONE BITE PELLET BOX	\$77.99
CHEM-SULT, INC	SODIUMHYPOCHLORITE & PHOSPHATE	\$786.80
CHEM-SULT, INC	SODIUMHYPOCHLORITE	\$532.28
CHICK-A-PEN-HILL	2 DECORATIVE LIGHT POLES	\$3,170.00
CITY OF AMES	RESOURCE RECOVERY FY 2024	\$4,510.00
CONSUMERS ENERGY	RCH ELECTRIC	\$46.50
IOWA DEP OF NATURAL RESOURCES	NPDES & OPERATIONS PERMIT FEE	\$210.00
IOWA DEP OF NATURAL RESOURCES	ANNUBAL WATER SUPPLY FEE FY24	\$94.52
IOWA LEAGUE OF CITIES	MAYOR ASSOC DUES	\$30.00
IOWA ONE CALL	LOCATES	\$21.60
IOWA REGIONAL UTILITIES ASSOC	MONTHLY RCH WATER	\$391.02
IPERS	IPERS	\$2,063.94
MAGUIRE	MAINTENANCE PLAN	\$12,365.63
MATTHEWS WHITE PLUMBING	ROCK CREEK CORP DRILLED OUT	\$440.00
MAXWELL STATE BANK	FED/FICA TAX	\$2,948.56

METERING & TECHNOLOGY SOLUTION	6 BRONZE SERIES METER W/VALVE	\$3,503.74
MICROBAC LABORATORIES	WATER/SEWER TESTING	\$579.75
MID-IOWA PLANNING ALLIANCE	FY2024 DUES	\$129.00
MIDWEST BREATHING AIR LLC	QUARTERLY AIR TEST	\$195.00
MIDWEST INSURANCE CORP	INSURANCE	\$1,642.00
NEW CENTURY FS	GAS & DIESEL	\$611.11
NEW CENTURY FS	LP GAS	\$3,376.98
MAXWELL POST OFFICE	3 rolls of stamps	\$198.00
MAXWELL POST OFFICE	UTILITY BILL POSTAGE	\$300.00
PRATT SANITATION INC	MONTHLY GARBAGE & CLEAN-UP DAY	\$6,733.47
RITEWAY BUSINESS FORMS	UTILITY BILLS	\$442.94
SAFE BUILDING LLC	PERMITS	\$540.59
SNYDER & ASSOCIATES	WATER TREAT PLANT	\$3,216.94
STAPLES CREDIT PLAN	PAPER,ENVELOPES,NOTEPADS,TAPE	\$298.20
STORY COUNTY TREASURER	1ST QTR 23/24 LAW ENFORCMENT	\$14,345.30
WINDSTREAM	TELEPHONE & INTERNET	\$231.73
WYATT LEWIS	EMS EQUIPMENT FOR CLASS	\$697.82
Accounts Payable Total		\$85,780.52
Total Paid On: 7/12/23		\$4,587.24
Total Paid On: 7/26/23		\$5,306.67
Total Payroll Paid		\$9,893.91
***** REPORT TOTAL *****		\$95,674.43

Expenses By Fund	07/01/2023-07/30/2023	
GENERAL		\$48,254.86
ROAD USE TAX		\$3,652.02
WATER		\$28,255.26
SEWER		\$15,512.29
TOTAL FUNDS		\$95,674.43

Revenues	July	
001 General		\$14,499.43
016 Washington Township		\$15,661.52
110 Road Use Tax		\$9,653.86
112 Employee Benefits		\$333.48
119 Emergency Funds		\$167.84
121 Local Option		\$11,374.33
200 Debt Service		\$1,952.73
600 Water		\$11,422.46
610 Sewer		\$23,242.00
TOTAL FUNDS		\$88,307.65

Bills due August 9, 2023

Access Systems	Printer/Copier	\$194.83
Iowa Regional Utilities Association	RCH Water	\$412.50
Jerico Services	Dust Control	\$4,007.50
Keystone Laboratories	Testing	\$402.00
MatthewsWhite Plumbing	Water Leak & Curb Stop	\$9,355.74
Maxwell Farms	2nd St bridge repair	\$6,076.50
Mid-American Research Chemical	Fog Eliminator & Cold Water Bacteria	\$1,333.59
Momar	One Step	\$3,674.63
Pratt Sanitation	Monthly Garbage	\$5,220.83
Safe Building	Mechanical & Fence Permits	\$144.72
Snyder & Associates	Water Treatment Plant, Baldwin St	\$5,562.50
US Cellular	Cell Phones & Hotspots	\$223.70
Windstream	Phone & Internet	\$604.93
Ziegler Inc	Maintenance on Backhoe	\$723.88

10. Adjourn. A motion to adjourn the meeting at 8:58 P.M. was moved by Myers. Seconded by Jans. 4 ayes

THE NEXT REGULAR MEETING WILL BE SEPTEMBER 11, 2023 AT 6:00 P.M.

ATTEST: _____, Clerk _____, Mayor
 Deb Hayes Dale Higgins

VENDOR NAME	REFERENCE	AMOUNT	VENDOR TOTAL	CHECK#	CHECK DATE
ACCESS	MONTHLY PRINTER RENT	194.83		30478	8/09/23
ACCESS	MONTHLY PRINTER RENT	194.83	389.66	30527	9/06/23
AFLAC	AFLAC CANCER		144.42	30499	8/23/23
ALLIANT ENERGY	MONTHLY UTILITY BILL		9,243.53	30502	8/23/23
ALTERNATIVE SERVICES	CEMETERY MOWING JULY-4 MOWING	2,360.00		30503	8/23/23
ALTERNATIVE SERVICES	AUGUST CEMETERY MOWING	1,770.00		30528	9/06/23
ALTERNATIVE SERVICES	00R GRANT FOR MARY COATE	5,510.50	9,640.50	30543	9/06/23
AMAZON CAPITAL SERVICES	DVDS & BOOKS		345.48	30504	8/23/23
CALDWELL,BRIERLY,& CHALUPA LLC	MCHONE DR		240.00	30529	9/06/23
CENTRAL IOWA SHORTLINE LLC	#27111-FILTERS		61.09	30505	8/23/23
CHEM-SULT, INC	SODIUMHYPOCHLORITE & PHOSPHATE	1,532.20		30506	8/23/23
CHEM-SULT, INC	SODIUMHYPOCHLORITE & PHOSPATE	786.80	2,319.00	30530	9/06/23
CIT SEWER SOLUTIONS	SEWER LINE @ 308 MAXWELL ST		3,319.20	30507	8/23/23
CONSUMERS ENERGY	RCH ELECTRIC		46.50	30508	8/23/23
DEBRA HAYES	MATERIAL FOR OFFICE CHAIRS		94.55	30509	8/23/23
FELD FIRE	60-200 GPM 1.5" AUTOMATIC		622.00	30531	9/06/23
GATEHOUSE DB IA HOLDINGS, INC	MINUTES & PUBLIC HEARINGS		392.16	30510	8/23/23
IOWA CODIFICATION, INC	2023 JUNE UPPLEMENT		542.00	30532	9/06/23
IOWA DEP OF REVENUE	SALES TAX JULY 2023	90.23		91971230	8/25/23
IOWA DEP OF REVENUE	WATER EXCISE TAX JULY 2023	537.06	627.29	91971231	8/25/23
IOWA REGIONAL UTILITIES ASSOC	RCH WATER	412.50		30479	8/09/23
IOWA REGIONAL UTILITIES ASSOC		365.96	778.46	30533	9/06/23
IPERS	IPERS		2,196.29	30501	8/23/23
JERICO SERVICES, INC	DUST CONTROL		4,007.50	30480	8/09/23
JOEL WESTENDORF	LED LIGHT BAR & SAFELATERN		601.88	30511	8/23/23
LAZER HOME SERVICES	GRANT TO REPLACE FURNACE		6,510.00	30512	8/23/23
MID-AMERICAN RESEARCH CHEMICAL	FOG ELIM & COLD WATER BACTERIA		1,333.59	30481	8/09/23
MATTHEWS WHITE PLUMBING	#1794-WATER LEAK ON MAIN ST	9,355.74		30482	8/09/23
MATTHEWS WHITE PLUMBING	#1817-REPAIRS ON MAXWELL ST	5,868.42	15,224.16	30534	9/06/23
MAXWELL FARMS	2ND ST BRIDGE REPAIR		6,076.50	30483	8/09/23
MAXWELL STATE BANK	FED/FICA TAX		3,292.85	30500	8/23/23
MEUSBURGER CONSTRUCTION, INC	DRAW #2 FOR CITY HALL REMODEL	25,000.00		30472	8/03/23
MEUSBURGER CONSTRUCTION, INC	city hall remodel	10,000.00		30519	8/24/23
MEUSBURGER CONSTRUCTION, INC	CITY HALL REMODEL	8,734.35	43,734.35	30535	9/06/23
MICROBAC LABORATORIES	KEYSTONE INC	402.00		30484	8/09/23
MICROBAC LABORATORIES	TESTING	1,747.00	2,149.00	30536	9/06/23
MOMAR	ONE STEP		3,674.63	30485	8/09/23
MUNICIPAL MANAGEMENT CORP	LEAK DETECTION		800.00	30537	9/06/23
NEVADA PUBLIC LIBRARY	STORY COUNTY LIBRARIES BANNER		8.75	30513	8/23/23
NEW CENTURY FS	GAS & DIESEL		751.90	30514	8/23/23
OVERDRIVE INC	FY2024 BRIDGES EBOOK CONTENT		480.39	30515	8/23/23
PRATT SANITATION INC	MONTHLY GARBAGE	5,220.83		30486	8/09/23
PRATT SANITATION INC	MONTHLY GARBAGE	5,375.27	10,596.10	30538	9/06/23
SAFE BUILDING LLC	MECHANICAL & FENCE PERMIT	144.72		30487	8/09/23
SAFE BUILDING LLC	PERMITD	557.37	702.09	30539	9/06/23
SNYDER & ASSOCIATES	119.9265.01A-7 BALDWIN ST IMPR	5,562.50		30488	8/09/23
SNYDER & ASSOCIATES	#123.0441.01-4-WATER TREATMENT	3,241.00	8,803.50	30540	9/06/23
STALLS & STRIPES	STRIPE PARKING AT SCHOOL		600.00	30541	9/06/23
THORPE WATER DEVELOPMENT	REPLACE WELL 3 CHECK VALVE		2,041.83	30516	8/23/23
U.S. BANK	HELMET SHIELDS & IDENTIFY PIN		342.08	30517	8/23/23
US CELLULAR	MONTHLY CELL PHONE	223.70		30489	8/09/23
US CELLULAR	MONTHLY CELL PHONE	223.70	447.40	30542	9/06/23
WINDSTREAM	091143516-PHONE & INTERNET	604.93		30490	8/09/23
WINDSTREAM	091143516-INTERNET & PHONE	599.72	1,204.65	30518	8/23/23

CLAIMS REPORT
Vendor Checks: 8/01/2023- 9/08/2023

VENDOR NAME	REFERENCE	AMOUNT	VENDOR TOTAL	CHECK#	CHECK DATE
ZIEGLER INC	MAINTENANCE ON BACKHOE		723.88	30491	8/09/23
	Accounts Payable Total		145,109.16		
 Payroll Checks					
	001 GENERAL		2,575.98		
	600 WATER		1,052.10		
	610 SEWER		1,052.09		
	Total Paid On: 8/09/23		4,680.17		
	001 GENERAL		3,244.22		
	600 WATER		1,251.72		
	610 SEWER		1,251.71		
	Total Paid On: 8/23/23		5,747.65		
	001 GENERAL		3,163.15		
	600 WATER		1,359.27		
	610 SEWER		1,359.27		
	Total Paid On: 9/06/23		5,881.69		
	Total Payroll Paid		16,309.51		
	Report Total		161,418.67		

CLAIMS REPORT
CLAIMS FUND SUMMARY

FUND	NAME	AMOUNT
001	GENERAL	94,468.47
110	ROAD USE TAX	14,639.31
301	CAPITAL PRJCT FUND - STRT	2,700.00
600	WATER	32,925.14
610	SEWER	16,685.75

	TOTAL FUNDS	161,418.67