

PUBLIC NOTICE

THE MAXWELL CITY COUNCIL WILL HOLD A REGULAR COUNCIL MEETING ON MONDAY, MAY 1, 2023, AT 6:00 PM AT MAXWELL CITY HALL, 107 MAIN STREET, MAXWELL, IA

The City of Maxwell will be allowing residents to join this city council meeting via a conference call. If you would like to participate, just before the meeting start time, you must call 844-855-4444 and enter this access code: 471070 no earlier than 5 minutes prior to the meeting.

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. APPROVAL OF AGENDA**
- 4. CITIZENS' FORUM**
- 5. DEPARTMENTAL REPORTS**
 - a. SHERIFF
 - b. FIRE DEPT
 - c. EMS DEPT
 - d. LIBRARY
 - e. PUBLIC WORKS
 - f. CITY CLERK
 - g. ENGINEER
 - h. PARKS AND OPEN SPACES BOARD
- 6. PUBLIC HEARING**
 - a. FIRST READING OF AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF MAXWELL, IOWA, PERTAINING TO WATER SERVICE RATES, SEWER SERVICE RATES AND SOLID WASTE COLLECTION FEES
 - b. FIRST READING OF AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF MAXWELL, IOWA, ALLOWING ONE-FAMILY ATTACHED DWELLINGS AS A PRINCIPLE PERMITTED USE IN THE R-2 MIXED RESIDENTIAL DISTRICT, R-3 MULTI-FAMILY DISTRICT, C-1 COMMERCIAL DISTRICT, AND M-1 INDUSTRIAL DISTRICT
- 7. BUSINESS**
 - a. DISCUSSION AND ACTION ON CITATION APPEAL FOR PARKING VIOLATION
 - b. DISCUSSION AND ACTION ON APPOINTMENT OF MAYOR POSITION
 - c. DISCUSSION AND ACTION ON ECONOMIC DEVELOPMENT WEEK PROCLAMATION
 - d. DISCUSSION AND ACTION ON PUBLIC WORKS ASSISTANT POSITION
 - e. DISCUSSION AND ACTION ON MAXWELL RESIDENTIAL IMPROVEMENT RUBRIC
- 8. COUNCIL AND MAYOR REPORTS**
 - a. GAST
 - b. MYERS
 - c. LAWRENCE
 - d. MILLER
 - e. JANS
 - f. HUDSON
- 9. CONSENT AGENDA**
 - a. APPROVAL APRIL 3, 2023 MINUTES
 - b. APPROVAL APRIL 17, 2023 MINUTES
 - c. APPROVAL CURRENT BILLS AS PRESENTED
- 10. ADJOURN**

Fire meeting notes

LanceSusanBrett Livesay <livesaysl@yahoo.com>

Mon 4/17/2023 8:31 PM

To: Cityof Maxwell <cityofmaxwell@hotmail.com>; Tony Ness <tnyness@gmail.com>

Fire Dept Meeting April 17, 2023

Members present; Susie L, Tony N, Ryan L, Shelby P, Tom H, Jim H, Carl M, Jared H, Jerry H, Riley P

Visitors present: none

Meeting called to order at 7:03 pm

Reading of last months minutes, motion to approve Carl, second Tom

Old Business – Still have some more area to do a controlled training burn, will schedule at a future date.

Call Critique – March 24th-13987 NE 112th; brush fire, 8 people

March 30th – 16470 NE 88th St; 1050 UTL, 2 people

March 30th – 680th and 340th; ditch and field fire, 6 people

April 1st- 9246 N 85th Ave West, Baxter; field fire, 8 people

April 2nd- 10095 NE 134th Ave; brush fire, 9 people

April 2nd- NE 150th Ave and NE 72 St, controlled burn, 6 people

April 3rd – 305th and 645th; post on fire, 3 people

March 31; Storm spotting, 7 people

April 3rd- 13602 NE 96th St; burn pile and grass people, 4 people

April 4th- storm spotting, 8 people

April 5th – Hwy 210 and 620th; 1050, 2 vehicles, 8 people

April 7th – 31384 653rd; grass fire, 2 people

April 10th- NE 142nd and 104th St; grass fire, 1 person

April 11th – 10-343 Maple Ave Nevada; trailer fire, 6 people

April 13th- 1303 10th St Nevada; shed fire, 4 people

April 14th- 63101 2952th St; controlled burn, 1 person

Chiefs News – Bolt cutters and fencing cutters are now in the attack trucks

It's our year to schedule physicals.

New Business – Training burn Sunday April 23th, in Cambridge

Committees none.

Motion to adjourn 7:24, Jim, second Carl.

EMS meeting notes

LanceSusanBrett Livesay <livesaysl@yahoo.com>

Mon 4/17/2023 8:32 PM

To: Cityof Maxwell <cityofmaxwell@hotmail.com>; Scott Johnson <johnsonscott@live.com>

EMS Meeting April 17, 2023

Members present; Susie L, Tony N, Ryan L, Jamie N, Scott J, Joel W

Visitors present: None

Meeting called to order at 6:41 pm

Reading of last months minutes. Motion to approve Jamie, seconded Ryan.

Committees – NFPA 1001, might be adding or modifying some policies. Putting together a committee is possible.

New Business – Call review.

Tahoe is ready and placed in service.

Noticed some issues with Image Trend and getting things to save.

Comments –

City is working on combining our units.

Chiefs news – we will be changing some bags and trying to minimize our bags within reason.

Will be having some guest speakers coming in for training.

Motion to adjourn Scott, seconded Jamie 6:56

**City Clerk
MAY 2023**

Miscellaneous Information:

- Working on FEMA. CAT Z is submitted. We should be done. Waiting for last payment
- 2nd meters will be going out.
- The council should start the employee reviews so that any raises will go into effect in July.
- Working on Budget Amendment for 2022/2023 fiscal year.

Looks a lot like last month. I would like to thank the council for stepping up and helping out while we are without a mayor.

PROPOSED AMENDMENTS
CALENDAR 4/2023, FISCAL 10/2023

ACCOUNT NUMBER	TITLE	YTD BALANCE	CURRENT BUDGET	PROPOSED CHANGE	PROPOSED BUDGET	NEW BUDGET
	POLICE TOTAL	55,981.03	60,260.00			60,260.00
	EMERGENCY MANAGEMENT TOTA	49,431.68	.00	49,433.00	49,433.00	49,433.00
	FLOOD CONTROL TOTAL	.00	.00			.00
	FIRE TOTAL	37,206.71	58,700.00			58,700.00
	AMBULANCE TOTAL	69,295.77	52,780.00	54,905.00	57,905.00	107,685.00
	BUILDING INSPECTIONS TOTA	6,568.41	6,000.00	2,000.00	8,000.00	8,000.00
	ANIMAL CONTROL TOTAL	45.50	500.00			500.00
	PUBLIC SAFETY TOTAL	218,529.10	178,240.00	106,338.00	115,338.00	284,578.00
	ROADS, BRIDGES, SIDEWALKS	48,885.21	47,396.00	13,625.00	34,905.00	61,021.00
	STREET LIGHTING TOTAL	24,712.16	31,000.00			31,000.00
	SNOW REMOVAL TOTAL	2,349.60	1,800.00	625.00	1,625.00	2,425.00
	STREET CLEANING TOTAL	.00	.00			.00
	GARBAGE TOTAL	62,378.95	71,400.00	3,600.00	75,000.00	75,000.00
	OTHER PUBLIC WORKS TOTAL	.00	.00			.00
	STORM WATER TOTAL	625.00	15,000.00			15,000.00
	PUBLIC WORKS TOTAL	138,950.92	166,596.00	17,850.00	111,530.00	184,446.00
	WATER,AIR,MOSQUITO CONTRO	.00	2,000.00			2,000.00
	OTHER HEALTH & SOC SERV T	.00	480.00			480.00
	HEALTH & SOCIAL SERVICES	.00	2,480.00			2,480.00
	LIBRARY TOTAL	19,279.97	28,100.00	500.00	2,820.00	28,600.00
	PARKS TOTAL	95,387.97	67,370.00	40,970.00	48,170.00	108,340.00
	CEMETERY TOTAL	5,775.00	21,000.00			21,000.00
	OTHER CULTIRE & REC TOTAL	.00	.00			.00
	CULTURE & RECREATION TOTA	120,442.94	116,470.00	41,470.00	50,990.00	157,940.00
	COMMUNITY BEAUTIFICATION	.00	.00			.00
	ECONOMIC DEVELOPMENT TOTA	479.00	3,500.00			3,500.00
	PLANNING & ZONING TOTAL	.00	1,000.00			1,000.00
	COMMUNITY & ECONOMIC DEV	479.00	4,500.00			4,500.00
	MAYOR/COUNCIL/CITY MGR TO	7,168.18	6,920.00			6,920.00
	CLERK/TREASURER/ADM TOTAL	45,044.34	58,450.00			58,450.00
	ELECTIONS TOTAL	.00	.00			.00
	LEGAL SERVICES/ATTORNEY T	16,203.33	18,000.00			18,000.00
	CITY HALL/GENERAL BLDGS T	26,921.34	49,100.00	3,000.00	4,500.00	52,100.00
	TORT LIABILITY TOTAL	18,058.12	20,520.00			20,520.00
	GENERAL GOVERNMENT TOTAL	113,395.31	152,990.00	3,000.00	4,500.00	155,990.00

**PROPOSED AMENDMENTS
CALENDAR 4/2023, FISCAL 10/2023**

ACCOUNT NUMBER	TITLE	YTD BALANCE	CURRENT BUDGET	PROPOSED CHANGE	PROPOSED BUDGET	NEW BUDGET
	ROADS, BRIDGES, SIDEWALKS	.00	.00			.00
	WATER TOTAL	.00	.00			.00
	SEWER/SEWAGE DISPOSAL TOT	14,340.00	95,680.00			95,680.00
	STORM WATER TOTAL	.00	.00			.00
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	DEBT SERVICE TOTAL	14,340.00	95,680.00			95,680.00
	EMERGENCY MANAGEMENT TOTA	21,930.70	.00			.00
	ROADS, BRIDGES, SIDEWALKS	64,695.50	5,000.00	65,000.00	70,000.00	70,000.00
	STORM WATER TOTAL	.00	.00			.00
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	CAPITAL PROJECTS TOTAL	86,626.20	5,000.00	65,000.00	70,000.00	70,000.00
	WATER TOTAL	135,373.51	147,630.00	17,000.00	18,800.00	164,630.00
	SEWER/SEWAGE DISPOSAL TOT	179,818.82	330,801.00	59,057.00	60,557.00	389,858.00
	STORM WATER TOTAL	.00	.00			.00
	TRANSFERS IN/OUT TOTAL	.00	.00			.00
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	ENTERPRISE FUNDS TOTAL	315,192.33	478,431.00	76,057.00	79,357.00	554,488.00
	TRANSFERS IN/OUT TOTAL	139,500.00	400,187.00	155,956.00	459,743.00	556,143.00
	GENERAL REVENUES TOTAL	.00	.00			.00
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	TRANSFER OUT TOTAL	139,500.00	400,187.00	155,956.00	459,743.00	556,143.00
	=====	=====	=====	=====	=====	=====
	TOTAL EXPENSES BY FUNCTIO	1,147,455.80	1,600,574.00	465,671.00	891,458.00	2,066,245.00
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DEPARTMENT	TO AMEND	TRANSFER	INTERGOV	SERVICE	MISC	USE OF MONEY	TOTAL INCOME	Where income is coming from
Public Safety								
Emergency Managemen	\$ 49,433.00	\$ 49,433.00					\$ 49,433.00	Local Option
EMS	\$ 54,905.00	\$ 54,905.00					\$ 54,905.00	Washington Trust
building inspection	\$ 2,000.00			\$ 2,000.00			\$ 2,000.00	Charges from permits
Public Works								
Roads	\$ 13,625.00		\$ 13,625.00				\$ 13,625.00	Roads Reserve
Snow	\$ 625.00		\$ 625.00				\$ 625.00	Roads Reserve
Garbage	\$ 3,600.00						\$ -	
Culture & Recreation								
Library	\$ 500.00		\$ 500.00				\$ 500.00	County payment over prediction
Parks	\$ 40,970.00	\$ 21,352.00	\$ 10,000.00		\$ 9,618.00		\$ 40,970.00	Local Option, Grants, MARC, Market in Park
General								
City Hall	\$ 3,000.00	\$ 3,000.00					\$ 3,000.00	Local Option
Capital Projects								
Baldwin Project	\$ 65,000.00	\$ 55,800.00					\$ 55,800.00	Roads (in Budget to transfer)
Enterprise								
Water	\$ 17,000.00						\$ -	Water Reserve
Sewer 610	\$ 19,872.00						\$ -	Sewer Reserve
Sewer 612	\$ 40,685.00	\$ 40,685.00					\$ 40,685.00	Sewer Reserve
Totals	\$ 261,782.00	\$ 175,742.00	\$ 24,750.00	\$ 2,000.00	\$ 9,618.00	\$ -	\$ 212,110.00	

DEPARTMENT	Reasoning		
Public Safety			
Emergency Managemé	Sirens		
EMS	Tahoe		
building inspection	overbudget		
Public Works			
Roads	Dust control & Road repair		
Snow	tractor cab		
Garbage	overbudget		
Culture & Recreation			
Library	addition of \$500 for materials		
Parks	shelter, trees, restroom renovations		
	rodeo electric, tree assessment		
	trash cans		
General			
City Hall	audit		
Capital Projects			
Baldwin Project			
Enterprise			
Water	endpoints		
Sewer 610	sewerline inspections, waterline		
Sewer 612	pay negative balance		

BUDGET REPORT
CALENDAR 4/2023, FISCAL 10/2023

PCT OF FISCAL YTD 83.3%

ACCOUNT NUMBER	ACCOUNT TITLE	TOTAL BUDGET	MTD BALANCE	YTD BALANCE	PERCENT EXPENDED	UNEXPENDED
	POLICE TOTAL	60,260.00	13,995.25	55,981.03	92.90	4,278.97
	EMERGENCY MANAGEMENT TOTAL	.00	13,920.00	49,431.68	.00	49,431.68-
	FLOOD CONTROL TOTAL	.00	.00	.00	.00	.00
	FIRE TOTAL	58,700.00	13,099.76	37,206.71	63.38	21,493.29
	AMBULANCE TOTAL	52,780.00	4,975.37	69,295.77	131.29	16,515.77-
	BUILDING INSPECTIONS TOTAL	6,000.00	131.44	6,568.41	109.47	568.41-
	ANIMAL CONTROL TOTAL	500.00	45.50	45.50	9.10	454.50
	PUBLIC SAFETY TOTAL	178,240.00	46,167.32	218,529.10	122.60	40,289.10-
	ROADS, BRIDGES, SIDEWALKS TOTA	47,396.00	829.45	48,885.21	103.14	1,489.21-
	STREET LIGHTING TOTAL	31,000.00	4,913.66	24,712.16	79.72	6,287.84
	SNOW REMOVAL TOTAL	1,800.00	.00	2,349.60	130.53	549.60-
	STREET CLEANING TOTAL	.00	.00	.00	.00	.00
	GARBAGE TOTAL	71,400.00	5,074.00	62,378.95	87.37	9,021.05
	OTHER PUBLIC WORKS TOTAL	.00	.00	.00	.00	.00
	STORM WATER TOTAL	15,000.00	.00	625.00	4.17	14,375.00
	PUBLIC WORKS TOTAL	166,596.00	10,817.11	138,950.92	83.41	27,645.08
	WATER,AIR,MOSQUITO CONTRO TOTA	2,000.00	.00	.00	.00	2,000.00
	OTHER HEALTH & SOC SERV TOTAL	480.00	.00	.00	.00	480.00
	HEALTH & SOCIAL SERVICES TOTA	2,480.00	.00	.00	.00	2,480.00
	LIBRARY TOTAL	28,100.00	1,442.26	19,279.97	68.61	8,820.03
	PARKS TOTAL	67,370.00	2,754.45	95,387.97	141.59	28,017.97-
	CEMETERY TOTAL	21,000.00	.00	5,775.00	27.50	15,225.00
	OTHER CULTIRE & REC TOTAL	.00	.00	.00	.00	.00
	CULTURE & RECREATION TOTAL	116,470.00	4,196.71	120,442.94	103.41	3,972.94-
	COMMUNITY BEAUTIFICATION TOTA	.00	.00	.00	.00	.00
	ECONOMIC DEVELOPMENT TOTAL	3,500.00	479.00	479.00	13.69	3,021.00
	PLANNING & ZONING TOTAL	1,000.00	.00	.00	.00	1,000.00
	COMMUNITY & ECONOMIC DEV TOTA	4,500.00	479.00	479.00	10.64	4,021.00
	MAYOR/COUNCIL/CITY MGR TOTAL	6,920.00	.00	7,168.18	103.59	248.18-
	CLERK/TREASURER/ADM TOTAL	58,450.00	4,360.10	45,044.34	77.06	13,405.66
	ELECTIONS TOTAL	.00	.00	.00	.00	.00
	LEGAL SERVICES/ATTORNEY TOTAL	18,000.00	965.25	16,203.33	90.02	1,796.67
	CITY HALL/GENERAL BLDGS TOTAL	49,100.00	1,301.74	26,921.34	54.83	22,178.66
	TORT LIABILITY TOTAL	20,520.00	17,555.52	18,058.12	88.00	2,461.88
	GENERAL GOVERNMENT TOTAL	152,990.00	24,182.61	113,395.31	74.12	39,594.69

BUDGET REPORT
CALENDAR 4/2023, FISCAL 10/2023

PCT OF FISCAL YTD 83.3%

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	95,680.00	.00	14,340.00	14.99	81,340.00
	STORM WATER TOTAL	.00	.00	.00	.00	.00
	DEBT SERVICE TOTAL	95,680.00	.00	14,340.00	14.99	81,340.00
	EMERGENCY MANAGEMENT TOTAL	.00	.00	21,930.70	.00	21,930.70-
	ROADS, BRIDGES, SIDEWALKS TOTA	5,000.00	.00	64,695.50	1,293.91	59,695.50-
	STORM WATER TOTAL	.00	.00	.00	.00	.00
	CAPITAL PROJECTS TOTAL	5,000.00	.00	86,626.20	1,732.52	81,626.20-
	WATER TOTAL	147,630.00	17,794.30	135,373.51	91.70	12,256.49
	SEWER/SEWAGE DISPOSAL TOTAL	330,801.00	26,682.13	179,818.82	54.36	150,982.18
	STORM WATER TOTAL	.00	.00	.00	.00	.00
	TRANSFERS IN/OUT TOTAL	.00	.00	.00	.00	.00
	ENTERPRISE FUNDS TOTAL	478,431.00	44,476.43	315,192.33	65.88	163,238.67
	TRANSFERS IN/OUT TOTAL	400,187.00	.00	139,500.00	34.86	260,687.00
	GENERAL REVENUES TOTAL	.00	.00	.00	.00	.00
	TRANSFER OUT TOTAL	400,187.00	.00	139,500.00	34.86	260,687.00
	TOTAL EXPENSES BY FUNCTION	1,600,574.00	130,319.18	1,147,455.80	71.69	453,118.20

TREASURER'S REPORT
CALENDAR 4/2023, FISCAL 10/2023

ACCOUNT TITLE	LAST MONTH END BALANCE	RECEIVED	DISBURSED	CHANGE IN LIABILITY	ENDING BALANCE
001 GENERAL	34,233.71	111,746.45	85,013.30	51,646.19	112,613.05
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	210,627.03	.00	.00	.00	210,627.03
019 EMERGENCY TRUST	36,400.00	.00	.00	.00	36,400.00
110 ROAD USE TAX	203,586.41	9,622.63	829.45	420.92	212,800.51
111 I-JOBS	1,114.35	.00	.00	.00	1,114.35
112 EMPLOYEE BENEFITS	14,445.01	6,279.63	.00	.00	20,724.64
119 EMERGENCY FUND	4,682.94	3,188.82	.00	.00	7,871.76
120 UTILITY FRANCHISE	125,994.88	9,927.85	.00	.00	135,922.73
121 LOCAL OPTION SALES TAX	513,905.53	9,339.17	.00	.00	523,244.70
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	39,302.52	36,793.56	.00	.00	76,096.08
301 CAPITAL PRJCT FUND - ST	11,962.00	.00	.00	.00	11,962.00
302 CAPITAL FUND PRJCT-STOR	2,158.50-	.00	.00	.00	2,158.50-
303 FEMA WIND DISASTER 2020	27,311.06-	.00	.00	.00	27,311.06-
305 REMOVAL OF TREES	.00	.00	.00	.00	.00
600 WATER	163,950.32	11,140.33	17,794.30	12,482.78	169,779.13
610 SEWER	147,914.66	24,279.10	26,682.13	18,831.19	164,342.82
611 2015 SEWER REHAB	35,924.29	.00	.00	.00	35,924.29
612 WWTP FACILITY	40,685.60-	.00	.00	.00	40,685.60-
625 SEWER LOANS	139,815.61	.00	.00	.00	139,815.61
Report Total	1,954,136.76	222,317.54	130,319.18	83,381.08	2,129,516.20

ORDINANCE NO. _____

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF MAXWELL, IOWA,
PERTAINING TO WATER SERVICE RATES, SEWER SERVICE RATES, AND SOLID WASTE
COLLECTION FEES**

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

SECTION 1. SECTION MODIFIED. Section 92.02 of the Code of Ordinances of the City of Maxwell, Iowa, is repealed and the following adopted in lieu thereof:

92.02 RATES FOR SERVICE. Water service shall be furnished at the following rates within the City:

1. Service Charge – Fixed Rate
A customer service charge of \$24.00 per month (minimum bill) shall be charged despite any temporary absence of the customer
2. Usage Charge – Variable Rate of Metered Service (figured on each gallon used).
Water Usage Rate \$1.80 per 1,000 gallons.
3. Water used for outside purposes only shall be registered on the extra outside meter and be billed at the following rate.
Annual startup fee \$10.00
All water used per month on outside meter \$1.80 per 1,000 gallons.
4. Bulk Sales.
All bulk sales \$1.00 per 100 gallons.

SECTION 2. SECTION MODIFIED. Section 99.01 of the Code of Ordinances of the City of Maxwell, Iowa, is repealed and the following adopted in lieu thereof:

99.01 RATES FOR SERVICE. Each customer shall pay sewer service charges for the use of and for the service supplied by the municipal sanitary sewer system based upon the amount of water consumed as follows:

1. Service Charge – Fixed Rate
A customer service charge of \$62.00 per month (minimum bill) shall be charged despite any temporary absence of the customer
2. Usage Charge – Variable Rate figured on each gallon, based upon the amount of water consumed excluding metered water for outside purposed
Sewer Usage Fee \$5.00 per 1,000 gallons.

SECTION 3. SECTION MODIFIED. Section 106.08 COLLECTION FEES, paragraph 1 Schedule of Fees, of the Code of Ordinances of the City of Maxwell, Iowa, is repealed and the following adopted in lieu thereof:

1. Schedule of Fees. The fee for solid waste collection and disposal service, used or available, for the first container for each residential premises and for each dwelling unit of a multiple family dwelling shall be \$19.00 per month. Commercial, industrial or institutional premises using approved residential style containers may petition the city and receive solid waste collection and disposal service at the same rate as residential premises. Additional containers will be available for an additional \$11.00 per month per container per premises or dwelling unit.

SECTION 4. SEVERABILITY CLAUSE. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

SECTION 5. WHEN EFFECTIVE. This ordinance shall be in effect from the fifteenth day of June 2023, following its passage, approval, and publication as provided by law.

First Reading: Date _____ Gast____Myers____Jans____Lawrence____Miller____

Second Reading: Date _____ Gast____Myers____Jans____Lawrence____Miller____

Third Reading: Date _____ Gast____Myers____Jans____Lawrence____Miller____

Passed by the Council this _____ day of _____, 2023, and approved by the Mayor this _____ day of _____, 2023.

ATTEST:

Debra Hayes, City Clerk

Jameson Hudson, Mayor

I certify that the foregoing was published as Ordinance No. ____ on the ____ day of _____, 2023.

Debra Hayes, City Clerk

ORDINANCE NO. ____

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF MAXWELL, IOWA, ALLOWING ONE-FAMILY ATTACHED DWELLINGS AS A PRINCIPLE PERMITTED USE IN THE R-2 MIXED RESIDENTIAL DISTRICT, R-3 MULTI-FAMILY DISTRICT, C-1 COMMERCIAL DISTRICT, AND M-1 INDUSTRIAL DISTRICT.

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

SECTION 1. SECTION MODIFIED. Section 165.02 DEFINITIONS, is modified by moving the current paragraph 16 to paragraph 14, renumbering the current paragraphs 14, 15, 17 and all the following paragraphs beginning with the new number 16, then inserting a new paragraph 15 "Dwelling, one-family" to read as follows:

15. "Dwelling, one-family attached" means a building designed as a two-family dwelling which is divided by a vertical common wall, where there are two, but no more than two, dwelling units within a single structure. For this type of dwelling, each unit is considered a separate building. The two units are separated by a common wall, with the dwellings side-by-side, and the lot has been subdivided with a lot line following the common vertical wall extended to define two separate lots each lot meeting the width and area requirements for this type of dwelling in its district. The front and rear setbacks shall be retained for each dwelling unit. The side yard opposite the common vertical wall for each dwelling shall conform to the district requirements for a two-family dwelling.

SECTION 2. SECTION AMENDED. Section 165.09 R-2 MIXED RESIDENTIAL DISTRICT, paragraph 1 Permitted Principal Uses and Structures is amended by striking subparagraph A and replacing it with a new subparagraph A to read as follows:

A. Any use permitted in the R-1 Single-Family Residential District.

SECTION 3. SECTION MODIFIED. Section 165.09 R-2 MIXED RESIDENTIAL DISTRICT, paragraph 1 Permitted Principal Uses and Structures is modified by adding a new subparagraph C and re-lettering the existing subparagraphs C through G to D through H. The new subparagraph C reads as follows:

C. One-family attached dwellings provided:

- (1) the structure is built as a two-family dwelling divided by a vertical common wall, attached on the side and only one side of the other dwelling unit and the common property line divides each dwelling unit;
- (2) a common wall agreement in which each dwelling unit owner shall provide for maintenance of the common wall and which restricts, in favor of the attached unit's owner, the maintenance and changes of exterior color, material, and design of the dwelling so as to be compatible with the attached unit;
- (3) front, rear and one side yard shall conform to the requirements for the district in which they are located;
- (4) a surveyed plot plan and the common wall agreement is approved by the City and filed with the Story County Recorder. The plot plan shows the building footprint in relation to a common lot line under the vertical party wall and the distances from the building footprint to each of the other lot lines;

(5) each dwelling unit shall be provided with separate lines and meters for water, gas and electricity and separate taps for water and sewerage;

(6) all utility, building, and life safety codes are in compliance;

SECTION 4. SECTION MODIFIED. Section 165.09 R-2 MIXED RESIDENTIAL DISTRICT, paragraph 4 Minimum Lot Area and Width is modified by adding a new subparagraph C and re-lettering the existing subparagraphs C to D. The new subparagraph C reads as follows:

C. One-Family Attached Dwelling (prior to subdividing, the lot must comply with the two-family minimums. After subdividing, the smaller of the two lots shall meet or exceed the following minimums):

Area – 6,720 square feet

Width – 48 feet

SECTION 5. SECTION MODIFIED. Section 165.09 R-2 MIXED RESIDENTIAL DISTRICT, paragraph 7. Minimum Off-Street Parking and Loading Space is amended by striking subparagraph A and adding a new subparagraph A to read as follows:

A. Dwellings – 2 parking spaces for each dwelling unit on paved surface exterior to any garage space plus one space for every 2 roomers.

SECTION 6 SECTION MODIFIED. Section 165.10 R-3 MULTI-FAMILY RESIDENTIAL DISTRICT, paragraph 1 Permitted Principal Uses and Structures is modified by adding a new subparagraph A and re-lettering the existing subparagraphs A through F to B through G. The new subparagraph A reads as follows:

A. Any use permitted in the R-2 Mixed Residential District.

SECTION 7 SECTION MODIFIED. Section 165.10 R-3 MULTI-FAMILY RESIDENTIAL DISTRICT, paragraph 4 Minimum Lot Area and Width is modified by adding a new subparagraph C and re-lettering the existing subparagraphs C and D to D and E. The new subparagraph C reads as follows:

C. One-Family Attached Dwelling (prior to subdividing, the lot must comply with the two-family minimums. After subdividing, the smaller of the two lots may meet the following minimums):

Area – 4,666 square feet

Width – 35 feet

SECTION 8. SECTION MODIFIED. Section 165.10 R-3 MULTI-FAMILY RESIDENTIAL DISTRICT, paragraph 7. Minimum Off-Street Parking and Loading Space is amended inserting a new subparagraph A and re-lettering the existing subparagraphs A through F to B through G. The new subparagraph A reads as follows:

A. Single-family, Two-family, and One-family Attached Dwellings – 2 parking spaces for each dwelling unit on paved surface exterior to any garage space plus one space for every 2 roomers.

SECTION 9 SECTION MODIFIED. Section 165.11 C-1 COMMERCIAL DISTRICT, paragraph 1 Permitted Principal Uses and Structures is modified by striking subparagraph A and inserting a new subparagraph A to read as follows:

A. Any use permitted in the R-3 Multi-Family Residential District.

SECTION 10. 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 11. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval, and publication as provided by law.

	Date	Moved	Second	Vote					
1st Reading:	_____	_____	_____	Gast__	Myers __	Jans__	Lawrence__	Miller __	
2nd Reading:	_____	_____	_____	Gast__	Myers __	Jans__	Lawrence__	Miller __	
3rd Reading:	_____	_____	_____	Gast__	Myers __	Jans__	Lawrence__	Miller __	

Passed by the Council this _____ day of _____, 2023, and approved this ____ day of _____, 2023

Mayor

ATTEST:

Debra Hayes, City Clerk

Ordinance Description:

Section 1 adds the definition for a One-Family Attached Dwelling and reorders alphabetically the definitions for Multiple Dwelling, Single-Family Dwelling, and Two-Family Dwelling. Finally, due to the inserted definition, all subsequent definitions are renumbered sequentially.

Section 2 clarifies that uses permitted in the R-1 District are permitted in the R-2 District.

Section 3 adds One-family attached dwellings as a permitted use in the R-2 District setting conditions under which they are permitted while **Section 4** sets the lot area and width for the use and **Section 5** sets the requirements for off-street parking for new dwellings.

Section 6 adds One-family attached dwellings as a permitted use in the R-3 District setting conditions under which they are permitted while **Section 7** sets the lot area and width for the use and **Section 8** sets the requirements for off-street parking for new dwellings.

Section 9 clarifies that uses permitted in the R-3 District are permitted in the C-1 District. With the existing language in the ordinance the changes from Section 2 and Section 9 clarifies our ordinance has a pyramidal structure where all permitted uses in the previous district are permitted in subsequent districts.

CHAPTER 165

ZONING REGULATIONS

<p>165.01 Title</p> <p>165.02 Definitions</p> <p>165.03 Districts Established</p> <p>165.04 Official Zoning Map</p> <p>165.05 General Zoning Regulations</p> <p>165.06 R-E Estate Residential District</p> <p>165.07 R-S Suburban Residential District</p> <p>165.08 R-1 Single-Family Residential District</p>	<p>165.09 R-2 Mixed Residential District</p> <p>165.10 R-3 Multi-Family Residential District</p> <p>165.11 C-1 Commercial District</p> <p>165.12 M-1 Industrial District</p> <p>165.13 NC Neighborhood Conservation (Overlay) District</p> <p>165.14 Supplementary District Regulations</p> <p>165.15 Conformance</p> <p>165.16 Zoning Administration and Enforcement</p>
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165.01 TITLE. This chapter shall be known and may be cited as the “Zoning Ordinance of the City of Maxwell, Iowa.”

165.02 DEFINITIONS. For the purpose of this chapter, the word “building” includes the word “structure,” and the following terms and words are defined.

1. “Accessory use or structure” means a use or structure subordinate to the principal use of a building or land on the same lot or parcel and serving a purpose customarily incidental to the use of the principal building or use of the land.
2. “Alterations, structural” means any change in the supporting members of a building such as bearing walls, columns, or girders.
3. “Apartment” means a room or suite of rooms in a multiple dwelling intended or designed for use as a residence by a single family.
4. “Apartment house” means a building arranged, intended, or designed to be occupied by three or more families living independently of each other.
5. “Basement” means a story having part but not more than one-half its height below grade. A basement is counted as a story for the purpose of height regulations.
6. “Basement house” means a house consisting primary of a basement only and built with the purpose of adding a story and a roof at a future date.
7. “Board” means the Board of Adjustment of the City.
8. “Boarding house” means a building other than a hotel where, for compensation and by arrangement, meals or lodging and meals are provided for not more than three persons (“boarders”).
9. “Building” means any structure having a roof supported by walls or columns designed or built for the enclosure, shelter or housing of persons, animals, or property.
10. “Building, height of” means the vertical distance from the average natural grade at the building line to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip and gambrel roofs.
11. “Building line” or “setback line” means the outer boundary of a building established by the location of its exterior walls or any projections other than steps, unenclosed balconies, or unenclosed porches.
12. “Cellar” means that portion of a building having more than one-half of its height below grade. A cellar is not included in computing the number of stories for the purpose of height measurement.

13. “Dwelling” means any building or portion thereof which is designed for and used exclusively for residential purposes.

~~14.1. “Dwelling, single-family” means a building designed for occupied exclusively by one family.~~

~~15.1. “Dwelling, two-family” means a building designed for or occupied exclusively by two families.~~

14. “Dwelling, multiple” means a building designed for or occupied exclusively by more than two families.

~~16.15. “Dwelling, one-family attached” means a building designed as a two-family dwelling which is divided by a vertical common wall, where there are two, but no more than two, dwelling units within a single structure. For this type of dwelling, each unit is considered a separate building. The two units are separated by a common wall, with the dwellings side-by-side, and the lot has been subdivided with a lot line following the common vertical wall extended to define two separate lots each lot meeting the width and area requirements for this type of dwelling in its district. The front and rear setbacks shall be retained for each dwelling unit. The side yard opposite the common vertical wall for each dwelling shall conform to the district requirements for a two-family dwelling.~~

~~16. “Dwelling, single-family” means a building designed for occupied exclusively by one family.~~

~~17. “Dwelling, two-family” means a building designed for or occupied exclusively by two families.~~

~~17.18. “Family” means one or more persons occupying a premises and living as a single housekeeping unit having common cooking facilities.~~

~~18.19. “Frontage” means all the property on one side of a street between two lot lines intersecting the street measured along the line of the street.~~

~~19.20. “Garage, private” means an accessory building designed or used for the storage of not more than four motor-driven vehicles owned and used by the occupants of the building to which it is accessory. Not more than one of the vehicles to be stored may be a commercial vehicle of not more than two-ton capacity.~~

~~20.21. “Garage, public” means a building or portion thereof other than a private or storage garage, designed or used for equipping, servicing, repairing, hiring, selling, or storing motor-driven vehicles.~~

~~21.22. “Garage, storage” means a building or portion thereof designed or used exclusively for term storage, by prearrangement, of motor-driven vehicles or other property, as distinguished from daily storage of motor-driven vehicles, and at which motor fuels and oils are not sold, and motor-driven vehicles are not equipped, repaired, hired, or sold.~~

~~22.23. “Home occupation” means a professional or business activity that results in a product or service and is carried out or conducted for gain by the resident as an accessory use on the resident’s premises.~~

~~23.24. “Institution” means a building occupied by a nonprofit corporation or a nonprofit establishment for public use.~~

~~24.25. “Loading space” means a space within the main building or on the same lot providing for the standing, loading, or unloading of merchandise or material from commercial vehicles having a minimum dimension of 10 by 25 feet.~~

~~25.26. “Lot” means a parcel of land occupied or intended for occupancy by one main building, together with its accessory buildings, officially approved and having its principal frontage upon a~~

dedicated street. The boundaries of the lot shall be determined by its lot lines.

~~26-27.~~ “Lot, corner” means a lot abutting upon two or more streets at their intersections.

~~27-28.~~ “Lot, depth of” means the mean horizontal line between the front lot line and the rear lot line.

~~28-29.~~ “Lot, double frontage” means a lot having a frontage on two nonintersecting streets, as distinguished from a corner lot.

~~29-30.~~ “Lot interior” means a lot other than a corner lot.

~~30-31.~~ “Lot of record” means a lot that is a part of a subdivision, the plat of which has been recorded in the office of the Story County Recorder.

~~31-32.~~ “Lot width” means the width of a lot measured at the building line and at right angles to its depth.

~~32-33.~~ “Lot, reversed frontage” means a corner lot, the side street line of which is substantially a continuation of the front line of the first lot to its rear.

~~33-34.~~ “Neighborhood Conservation (Overlay) (NC) District” means a supplemental zoning district overlaying one or more (primary) zoning districts, which further defines permitted uses within the NC District.

~~34-35.~~ “Nursing home” means a home for the aged, chronically ill, or incurable persons in which three or more persons not of the immediate family are received, kept, and provided with food, or shelter and care, for compensation, but not including hospitals, clinics, or similar institutions devoted to the diagnosis, treatment, or care of the sick or injured.

~~35-36.~~ “Parking space” means a granular or paved surfaced area, maintained in a dust- free manner, enclosed in the main building or in an accessory building, or unenclosed, having an area of not less than 180 square feet, permanently reserved for the temporary storage of one automobile and connected with a street or alley by a surfaced driveway which affords satisfactory ingress and egress for automobiles.

~~36-37.~~ “Retirement home” means a multi-family dwelling having three or more living units at which central services such as laundry, recreation, and community facilities are provided, but no professional health care is provided on the premises.

~~37-38.~~ “Setback line” is defined under “building line.”

~~38-39.~~ “Sign” means any structure (or part thereof or device attached thereto or painted or represented thereon) which displays or includes any letter, word, model, banner, flag, pennant, insignia, device, or representation used as (or which is in the nature of) an announcement, direction, or advertisement. The word “sign” includes the word “billboard” but does not include the flag, pennant, or insignia of any nation, state, city or other political unit, or of any political, educational, charitable, philanthropic, civic, professional, religious or like campaign, drive, movement, or event.

~~39-40.~~ “Story” means the portion of a building, other than a cellar, included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.

~~40-41.~~ “Story, half” means a partial story under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than three feet above the floor of such story, except that any partial story used for residence purposes, other than for a janitor or caretaker or his family, or by a family occupying the floor immediately below it, shall be deemed a full story.

~~41-42.~~ “Street” means a public or private thoroughfare that affords the principal means of access to abutting property.

~~42.43.~~ “Structure” means anything constructed or erected, the use of which requires more or less permanent location on the ground, including but not limited to buildings, walls, fences, signs, and billboards.

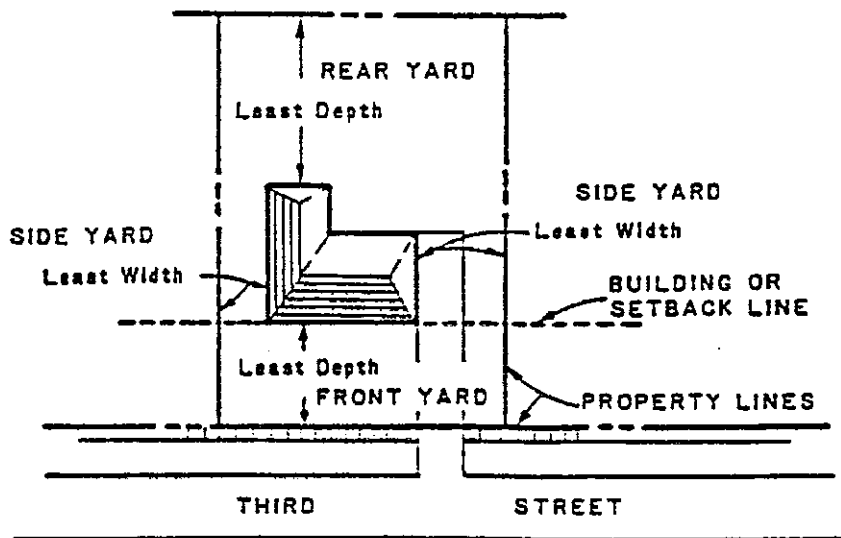
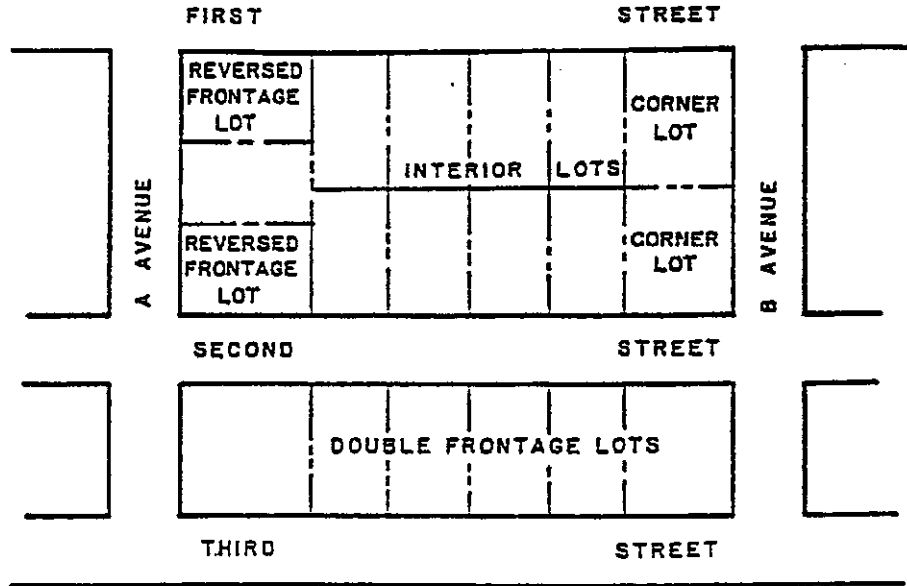
~~43.44.~~ “Yard” or “separate yard” means an open space on the same lot with a building and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein.

~~44.45.~~ “Yard, front” means a yard extending across the side of the lot facing the street and being the minimum horizontal distance between the lot line on that side and the setback. Corner lots shall have two front yards.

~~45.46.~~ “Yard, rear” means a yard extending across the side of the lot opposite the street and being the horizontal distance between the lot line on that side and the rear setback. On all lots the rear yard shall be in the rear of the front yard.

~~46.47.~~ “Yard, side” means a yard between the main building and the side line of the lot, and extending from the front yard to the rear yard, and being the minimum horizontal distance between a side lot line and the side of the main building.

LOT AND YARD DEFINITIONS



165.03 DISTRICTS ESTABLISHED. The City is hereby divided into zoning districts, designated as follows:

1. Primary Districts:

R-E	Estate Residential	R-2	Mixed Residential
R-S	Suburban Residential	R-3	Multi-family Residential
R-1	Single-Family Residential	C-1	Commercial
		M-1	Industrial

2. Overlay Districts:

NC Neighborhood Conservation

165.04 OFFICIAL ZONING MAP. The location and boundaries of the above-mentioned districts are shown on the Official Zoning Map, which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this chapter. The Official Zoning Map shall be on file in the office of the City Clerk and shall be final authority as to the current zoning status of the land, water areas, buildings, and other structures in the City.

1. Changes in Map. No changes in the Official Zoning Map shall be made except as may be required by amendments to this chapter. If required, such changes shall be prominently made and the ordinance number and date of change shall be noted on the Map.[†]

2. Interpretation of Boundaries. Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply.

A. Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow such centerlines.

B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

C. Boundaries indicated as approximately following City limits shall be construed as following City limit lines.

D. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks; boundaries indicated as following railroad right-of-way lines shall be construed as following such right-of-way lines.

E. Boundaries indicated as following shorelines shall be construed to follow such shorelines; and, in the event of change in the shoreline, shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the centerlines of streams, rivers, or other bodies of water shall be construed to follow such centerlines.

F. Boundaries indicated as parallel to or extensions of features indicated in subsections A through E herein shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the Map.

G. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by subsections A through F herein, the Board of Adjustment shall interpret the district boundaries.

165.05 GENERAL ZONING REGULATIONS.

1. Regulations Uniformly Applied. The regulations set by this chapter within each district shall apply uniformly to each class or kind of structure or land, particularly as hereinafter provided.
2. Uses and Structures, Conformity Required. No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered unless in conformity with all of the regulations herein specified for the district in which it is located.
3. Height, Density or Yards. No building or other structure shall hereafter be erected or altered to exceed the height, to accommodate or house a greater number of families, or to have narrower or smaller rear yards, front yards, side yards, or other open spaces than herein required or in any other manner contrary to the provisions of this chapter.
4. Separate Yards; Open Space; Off-Street Parking Required. No part of a yard or other open space or off-street parking or loading space required in connection with any building, for the purpose of complying with this chapter, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.
5. Minimum Yards; Lot Areas. No yard or lot existing at the time of the effective date hereof shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date hereof shall meet at least the minimum requirements established by this chapter.
6. Newly Annexed Areas. All territory that may hereafter be annexed to the City shall be classified in the R-E Residential District until otherwise classified; provided, however, the Planning and Zoning Commission may recommend the appropriate district classification prior to annexation, and after proper notice and public hearing, the territory, upon annexation, may be immediately so classified.
7. Home Occupations. The regulations imposed by this section are intended to allow home occupations that: (i) by their design, construction, and operation, adequately safeguard the health, safety, and welfare of the occupants and surrounding property; (ii) do not increase congestion in the public streets; and (iii) do not diminish or impair established property values in surrounding areas. Home occupation use may be granted and shall continue as long as the following conditions are met.
 - A. The use shall not be conducted in any building on the premises other than the building that is used by the occupant as the private dwelling or private garage, provided that not more than 50 percent of the total floor area of the private garage is used for the home occupation.
 - B. There is no exterior indication of the home occupation (except as permitted in paragraph E below) or variation from the residential character of the structures.
 - C. There is no exterior storage or display of material or products. All materials or products utilized in conjunction with the home occupation must be stored or utilized within a completely enclosed building. Parking spaces needed for the conduct of a home occupation shall be provided off the street, in defined areas that are appropriately designed and surfaced for that purpose, and not located within side or rear yard building setback areas. No more than two vehicles related to the home occupation shall be located on the property at one time. In case of vehicle repair services, only two vehicles shall be located and repaired on the property at one time and shall be located and repaired within a completely enclosed building.
 - D. No more than two individuals, in addition to the residents of the dwelling, shall be employed in the conduct of the home occupation.

- E. Only one unlighted interior or exterior business sign, attached to the wall of the residence or garage shall be permitted. Such sign may not exceed two square feet per face.
- F. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference, or other nuisance in violation of nuisance or noise ordinances. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interferences in any radio or television receivers off the premises or causes fluctuations in the line voltage off the premises.
- G. Delivery of all materials in the home occupation may only take place from 7:00 a.m. to 8:00 p.m.
- H. The home occupation shall be granted a permit after a public hearing as required by this chapter. Such permit shall be valid as long as the conditions under which the permit was granted are being met by the permit holder.
8. Moving of Dwellings. If any dwelling is moved from one lot to another, it shall thereupon be made to conform to all the provisions of this chapter relative to dwellings hereafter erected.165.14
9. Interpretation of Provisions. In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements adopted for the promotion of the public health, safety, morals or general welfare. Wherever the requirements of this chapter are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, deed restrictions or covenants, the most restrictive or that imposing higher standards shall govern.
10. Amendment Procedures; Fees.
- A. Procedure. The regulations imposed and the districts created by this chapter may be amended from time to time by the City Council and no such amendments shall be made without public hearing before said Council and after a recommendation has been made upon the amendment by the Planning and Zoning Commission. Notice of the time and place of such hearing shall be published, as required by statute, in a newspaper having general circulation in the City. In case the Planning and Zoning Commission does not approve the change or, in the case of a written protest filed with the Council against such change signed by the owners of 20 percent or more of the area of the lots included in any proposed change or by the owners of 20 percent or more of the property that is located within 200 feet of the exterior boundaries of the property for which any change is proposed, such amendment shall not be passed except by the favorable vote of three-fourths of all the members of the Council.
- B. Form of Application. The application for rezoning shall contain the following items:
- (1) The legal description and local address of the property.
 - (2) The present zoning classification and the zoning classification requested for the property.
 - (3) The existing use and proposed use of the property.
 - (4) The names and addresses of the owners of all property within 200 feet of the property for which the change is requested.
 - (5) A statement of the reasons why the applicant feels the present zoning classification is no longer valid.
 - (6) A plat showing the locations, dimensions, and use of the applicant's property and all property within 200 feet thereof, including streets, alleys,

railroads, and other physical features.

C. Application Fee. Before any action is taken upon an application as provided in this chapter, the applicant shall pay the City a fee set by Council resolution to cover the approximate costs of the procedure, and the applicant shall forthwith pay this amount to the credit of the General Revenue Fund of the City. The failure to approve the change shall not be construed as a reason for refunding the fee to the applicant.

165.06 R-E ESTATE RESIDENTIAL DISTRICT. The Estate Residential District is intended to provide single-family housing on large lots, which will preserve and enhance the rural character and attractiveness of the area. It is intended that this designation:

- (i) provide a low-density rural environment and life style;
- (ii) provide for limited development of areas in which soils or topography limit the agricultural uses;
- (iii) retain land with significant topographic or physical constraints, wooded areas, or a unique environment as open space; and
- (iv) allow a limited number of animals, including equestrian facilities.

1. Permitted Principal Uses and Structures.
 - A. Single-family detached dwellings.
 - B. Churches and similar places of worship.
 - C. Public, parochial or private schools, including elementary, junior high, and high schools.
 - D. Public or semi-public parks, open spaces, playground, or community buildings.
 - E. Agricultural uses, provided no retail sales are permitted and no offensive odors are created, subject to the limitations regarding animals under Animal Protection and Control of this Code of Ordinances.
2. Permitted Accessory Uses and Structures.
 - A. Private garages or carports.
 - B. Private swimming pools.
 - C. Private greenhouses not operated for commercial purposes.
 - D. Accessory uses or structures clearly incidental and subordinate to one of the permitted uses or structures of this District, unless otherwise excluded.
 - E. Temporary buildings used in conjunction with construction work, provided that such buildings are removed promptly upon completion of the construction work.
 - F. Home occupations, as limited by Section 165.05.
 - G. Taking of boarders or the leasing of rooms by resident family, provided the total number of roomers and boarders does not exceed two.
3. Special Exceptions.
 - A. Railroads.
 - B. Public utilities.
 - C. Swimming pools, golf courses, and country clubs, except miniature courses or driving ranges operated for profit.
4. Minimum Lot Area and Width.
 - A. All Principal Permitted Uses:
 - Area – 130,000 square feet
 - Width – 200 feet

5. Minimum Yard Requirements.
 - A. Dwellings:
 - Front – 50 feet
 - Rear – 50 feet
 - Side – 25 feet each side
 - Street side, corner lot – 50 feet
 - B. All other principal permitted uses:
 - Front – 50 feet
 - Rear – 50 feet
 - Side – 50 feet, each side
 - Street side on corner lot – 50 feet
6. Maximum Height:
 - A. Dwelling – 2½ stories or 35 feet
 - B. Accessory Building – 2½ stories or 35 feet
7. Minimum Off-Street Parking and Loading Space.
 - A. Dwelling – 2 parking spaces for each dwelling unit.
 - B. Church – 1 space for every 6 seats in the main auditorium.
 - C. Schools and Public Buildings – 1 space for each classroom or office room plus 1 space for each 10 seats in the main auditorium, stadium, or place of public assembly.
8. Permitted Signs. The following signs shall be permitted.
 - A. Name plates not exceeding one square foot in area.
 - B. Sign for a home occupation as provided in Section 165.05.
 - C. Church or public bulletin boards not to exceed 24 square feet in area.
 - D. Temporary signs advertising the lease or sale of the premises not to exceed 12 square feet in area.

Any sign not conforming to the provisions of this chapter shall be made to conform or be removed within one year after the effective date hereof.

165.07 R-S SUBURBAN RESIDENTIAL DISTRICT. The Suburban Residential District is intended to provide single-family housing on lots, which will preserve and enhance the suburban character and attractiveness of the area. It is intended that this designation: (i) provide a semi-rural environment and lifestyle and (ii) retain land with significant topographic or physical constraints, wooded areas, or a unique environment as open space.

1. Permitted Principal Uses and Structures.
 - A. Single-family detached dwellings.
 - B. Churches and similar places of worship.
 - C. Public, parochial or private schools, including elementary, junior high, and high schools.
 - D. Public or semi-public parks, open spaces, playground, or community buildings.
2. Permitted Accessory Uses and Structures.
 - A. Private garages or carports.
 - B. Private swimming pools.
 - C. Private greenhouses not operated for commercial purposes.
 - D. Accessory uses or structures clearly incidental and subordinate to one of the permitted uses or structures of this District, unless otherwise excluded.
 - E. Temporary buildings used in conjunction with construction work, provided that such buildings are removed promptly upon completion of the construction work.
 - F. Home occupations, as limited by Section 165.05.
 - G. Taking of boarders or the leasing of rooms by resident family, provided the total number of roomers and boarders does not exceed two.
3. Special Exceptions.
 - A. Railroads.
 - B. Public utilities.
 - C. Swimming pools, golf courses, and country clubs, except miniature courses or driving ranges operated for a profit.
4. Minimum Lot Area and Width.
 - A. All Principal Permitted Uses:
Area -- 40,000 square feet
Width -- 125 feet
5. Minimum Yard Requirements.
 - A. Dwellings:
Front -- 30 feet
Rear -- 30 feet
Side -- 10 feet each side
Street side on corner lot -- 30 feet
 - B. All other principal permitted uses:
Front -- 50 feet
Rear -- 50 feet Side -- 50 feet
Street side, corner lot -- 50 feet

6. Maximum Height:
 - A. Dwelling – 2½ stories or 35 feet
 - B. Accessory Building – 2½ stories or 35 feet
7. Minimum Off-Street Parking and Loading Space.
 - A. Dwelling – Two parking spaces for each dwelling unit.
 - B. Church – One space for every 6 seats in the main auditorium.
 - C. Schools and Public Buildings – One space for each classroom or office room plus one space for each 10 seats in the main auditorium, stadium, or place of public assembly.
8. Permitted Signs. The following signs shall be permitted.
 - A. Name plates not exceeding one square foot in area.
 - B. Sign for a home occupation as provided in Section 165.05.
 - C. Church or public bulletin boards not to exceed 24 square feet in area.
 - D. Temporary signs advertising the lease or sale of the premises not to exceed 12 square feet in area.

Any sign not conforming to the provisions of this chapter shall be made to conform or be removed within one year after the effective date hereof.

165.08 R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT. The R-1 District is intended to provide for low-density residential areas of the City with one-family detached dwellings. The following regulations shall apply, except as otherwise provided herein.

1. Permitted Principal Uses and Structures.
 - A. Single-family dwellings.
 - B. Churches and similar places of worship.
 - C. Public, parochial, or private schools, including elementary, junior high, and high schools.
 - D. Public or semi-public parks, open spaces, playgrounds, or community buildings.
 - E. Agricultural uses, provided no retail sales are permitted and no offensive odors are created, subject to the limitations regarding animals under Animal Protection and Control of this Code of Ordinances.
2. Permitted Accessory Uses and Structures.
 - A. Private garages or carports.
 - B. Private swimming pools.
 - C. Private greenhouse not operated for commercial purposes.
 - D. Accessory uses or structures clearly incidental and subordinate to one of the permitted uses of structures of this District, unless otherwise excluded.
 - E. Temporary buildings used in conjunction with construction work, provided that such buildings are removed promptly upon completion of the construction work.
 - F. Home occupations, as limited by Section 165.05.
 - G. Taking of boarders or the leasing of rooms by the resident family, provided the total number of roomers and boarders does not exceed two.
3. Minimum Lot Area and Width.
 - A. Single-Family Dwelling:
Area – 10,000 square feet
Width – 75 feet
 - B. Other principal permitted uses:
Area – 25,000 square feet
Width – 150 feet
4. Minimum Yard Requirements.
 - A. Single Family Dwellings:
Front – 30 feet
Rear – 30 feet
Side – 8 feet each side
Street side, corner lot – 15 feet
 - B. Principal Permitted Uses:
Front – 40 feet
Rear – 40 feet
Side – 20 feet
Street side on corner lot – 30 feet

5. Maximum Height:
 - A. All principal permitted uses – 2½ stories or 35 feet
 - B. Accessory Building – 18 feet or as approved by exception by the Board of Adjustment
6. Minimum Off-Street Parking and Loading Space.
 - A. Dwelling – 2 parking spaces for each dwelling unit.
 - B. Church – 1 space for every 6 seats in the main auditorium.
 - C. Schools – 1 space for each classroom or office room plus 1 space for every 10 seats in the main auditorium, stadium, or place of public assembly.
7. Permitted Signs. The following signs shall be permitted.
 - A. Name plates not to exceed one square foot.
 - B. Sign for a home occupation as provided in Section 165.05.
 - C. Church or public bulletin boards not to exceed 24 square feet in area.
 - D. Temporary signs advertising the lease or sale of the premises, not to exceed 12 square feet in area.

Any sign not conforming to the provisions of this chapter shall be made to conform or be removed within one year after the effective date hereof.

165.09 R-2 MIXED RESIDENTIAL DISTRICT. The R-2 District is intended and designed to provide for low-density residential areas of the City now developed with one- and two-family dwellings, and areas where similar residential development seems likely to occur. The following regulations shall apply, except as otherwise provided herein:

1. Permitted Principal Uses and Structures.
 - A. ~~Single-family dwellings~~ Any use permitted in the R-1 Single-Family Residential District.
 - B. Two-family dwellings.
 - C. One-family attached dwellings provided:
 - (1) the structure is built as a two-family dwelling divided by a vertical common wall, attached on the side and only one side of the other dwelling unit and the common property line divides each dwelling unit;
 - (2) a common wall agreement in which each dwelling unit owner shall provide for maintenance of the common wall and which restricts, in favor of the attached unit's owner, the maintenance and changes of exterior color, material, and design of the dwelling so as to be compatible with the attached unit;
 - (3) front, rear and one side yard shall conform to the requirements for the district in which they are located;
 - (4) a surveyed plot plan and the common wall agreement is approved by the City and filed with the Story County Recorder. The plot plan shows the building footprint in relation to a common lot line under the vertical party wall and the distances from the building footprint to each of the other lot lines;
 - (5) each dwelling unit shall be provided with separate lines and meters for water, gas and electricity and separate taps for water and sewerage;
 - (6) all utility, building, and life safety codes are in compliance;
 - ~~C.D.~~ Churches and similar places of worship.
 - ~~D.E.~~ Public, parochial, or private schools, including elementary, junior high, and high schools.
 - ~~E.F.~~ Public or semi-public parks, open spaces, playgrounds, or community buildings.
 - ~~F.G.~~ Private nursery schools and day care centers.
 - ~~G.H.~~ Clinics, including veterinarian clinics, provided such clinics maintain the residential character of the neighborhood.
2. Permitted Accessory Uses and Structures.
 - A. Private garages or carports.
 - B. Private swimming pools.
 - C. Private greenhouses not operated for commercial purposes.
 - D. Accessory uses or structures clearly incidental and subordinate to one of the permitted uses of structures of this District, unless otherwise excluded.
 - E. Temporary buildings used in conjunction with construction work, provided that

such buildings are removed promptly upon completion of the construction work.

- F. Home occupations, as limited by Section 165.05.
 - G. Taking of boarders or the leasing of rooms by the resident family, provided the total number of roomers and boarders does not exceed two.
3. Special Exceptions.
- A. Hospitals or sanitariums, except animal hospitals.
 - B. Railroads.
 - C. Public utilities.
 - D. Mortuary or funeral homes.
 - E. Rooming and boarding houses.
 - F. Clinics, including veterinarian clinics, provided such clinics maintain the residential character of the neighborhood.
4. Minimum Lot Area and Width.
- A. Single-Family Dwelling:
Area – 9,000 square feet
Width – 65 feet
 - B. Two-Family Dwelling:
Area – 14,000 square feet
Width – 100 feet
 - C. One-Family Attached Dwelling (prior to subdividing, the lot must comply with the two-family minimums. After subdividing, the smaller of the two lots may meet the following minimums):
Area – 6,720 square feet
Width – 48 feet
 - ~~C.D.~~ All other principal permitted uses have the same minimums lot area and width as required in the R-1 district.
5. Minimum Yard Requirements.
- A. Dwellings:
Front – 25 feet
Rear: Dwelling – 25 feet permissible accessory buildings, no minimum requirement, when adjacent to an alley, otherwise 6 feet
Side: Dwellings and permissible Accessory Buildings – 15 feet total both sides, 7 feet minimum one side
Street side on corner lot – 15 feet
 - B. All other principal permitted uses:
Front – 40 feet
Rear – 40 feet
Side – 20 feet each side
Street side, corner lot – 30 feet
6. Maximum Height:
- A. All principal permitted uses – 2½ stories or 35 feet
 - B. Accessory Building – 18 feet or as approved by exception by the Board of Adjustment.

7. Minimum Off-Street Parking and Loading Space.
 - A. Dwellings – 2 parking spaces for each dwelling unit on paved surface exterior to any garage space plus one space for every 2 roomers.
 - B. Church – 1 space for every 6 seats in the main auditorium.
 - C. Schools and Public Buildings – 1 space for each classroom or office room plus 1 space for every 10 seats in the main auditorium, stadium, or place of public assembly.
 - D. Mortuary or Funeral Home – 1 space for every 100 square feet of floor area.
8. Permitted Signs. The following signs shall be permitted.
 - A. Signs not exceeding 6 square feet in area.
 - B. Church or public bulletin boards not to exceed 24 square feet in area.
 - C. Temporary signs advertising the lease or sale of the premises, not to exceed 12 square feet in area.

Any sign not conforming to the provisions of this chapter shall be made to conform or be removed within one year after the effective date hereof.

165.10 R-3 MULTI-FAMILY RESIDENTIAL DISTRICT. The R-3 District is intended for certain medium-density residential areas of the City with multi-family dwellings. The following regulations shall apply, except as otherwise provided herein.

1. Permitted Principal Uses and Structures.
 - A. Any use permitted in the R-2 Mixed Residential District.
 - ~~A.~~B. Multi-family dwellings.
 - ~~B.~~C. Churches and similar places of worship.
 - ~~C.~~D. Public, parochial, or private schools, including elementary, junior high, and high schools.
 - ~~D.~~E. Public or semi-public parks, open spaces, playgrounds, or community buildings.
 - ~~E.~~F. Private nursery schools and day care centers.
 - ~~F.~~G. Home occupations, as limited by Section 165.05.
2. Permitted Accessory Uses and Structures.
 - A. Private garages or carports.
 - B. Private swimming pools.
 - C. Private greenhouses not operated for commercial purposes.
 - D. Accessory uses or structures clearly incidental and subordinate to one of the permitted uses or unless otherwise excluded.
 - E. Temporary buildings used in conjunction with construction work, provided that such buildings are removed promptly upon completion of the construction work.
3. Special Exceptions.
 - A. Hospitals or sanitariums, except animal hospitals.
 - B. Public utilities.
 - C. Nursing homes or retirement homes.
 - D. Rooming and boarding houses.
 - E. Clinics, including veterinarian clinics, provided such clinics maintain the residential character of the neighborhood.
4. Minimum Lot Area and Width.
 - A. Single-Family Dwelling:
Area – 7,000 square feet Width – 50 feet
 - B. Two-Family Dwelling:
Area – 10,000 square feet Width – 75 feet
 - C. One-Family Attached Dwelling (prior to subdividing, the lot must comply with the two-family minimums. After subdividing, the smaller of the two lots may meet the following minimums):
Area – 4,667 square feet
Width – 35 feet
 - ~~C.~~D. Multi-Family Dwelling (three or more dwellings per unit)
Area – 12,000 square feet plus 2,000 square feet per dwelling over 3 dwellings

Width – 120 feet

~~D.E.~~ Other principal permitted uses:
Area – 20,000 square feet Width – 120 feet

5. Minimum Yard Requirements.

A. Dwellings:

Front – 25 feet

Rear

Principal use – 20 feet

Permissible accessory buildings – No minimum requirement when adjacent to an alley, otherwise 6 feet.

Side:

1 and 2 story – 12 feet total both sides, 6 feet minimum one side

3 story – 12 feet each side

Corner lot on street side – 15 feet

B. Other principal permitted uses:

Front – 40 feet

Rear – 40 feet

Side – 20 feet each side

Corner lot on street side – 40 feet

6. Maximum Height.

A. Principal building – 3 stories or 45 feet

B. Accessory building – 18 feet or as approved by exception by the Board of Adjustment

7. Minimum Off-Street Parking and Loading Space

A. Single-family, Two-family, and One-family Attached Dwellings – 2 parking spaces for each dwelling unit on paved surface exterior to any garage space plus one space for every 2 roomers

~~A.B.~~ Multi-family dwellings, including retirement homes – 2.5 spaces for each dwelling unit.

~~B.C.~~ Churches – 1 space for every 6 seats in the main auditorium.

~~C.D.~~ Community center, library or museums – 10 spaces plus 1 additional space for each 300 square feet of floor area in excess of 2,000 square feet.

~~D.E.~~ Hospital – 1 space for each 4 beds.

~~E.F.~~ Sanitariums, nursing, rest or convalescent homes – 1 space for every 2 beds.

~~F.G.~~ Schools and public buildings – 1 space for each classroom or office room plus 1 space for every 10 seats in main auditorium, stadium, or place of public assembly.

8. Permitted Signs. The following signs shall be permitted:

A. Signs not to exceed 6 square feet in area.

B. Church or public bulletin boards not to exceed 24 square feet in area.

C. Temporary signs advertising the lease or sale of the premises not to exceed 12 square feet in area.

Any sign not conforming to the provisions of this chapter shall be made to conform or be removed within one year after the effective date hereof.

165.11 C-1 COMMERCIAL DISTRICT. The C-1 District is intended and designed for general retail and service commercial uses in an efficient and compact manner and to preserve the historic character of the original business district of the City. The C-1 District shall be subject to the following regulations:

1. Permitted Principal Uses and Structures.
 - A. ~~Single and multi family dwellings~~ [Any use permitted in the R-3 Multi-Family Residential District.](#)
 - B. Apartments above a store or shop.
 - C. Public or semi-public parks, open spaces, playgrounds, community buildings.
 - D. Commercial amusements, such as pool halls, bowling alleys, or video arcades.
 - E. Business, professional offices, studios.
 - F. Personal service and repair shops.
 - G. Financial institutions.
 - H. Retail businesses.
 - I. Government offices, garages, libraries and facilities.
 - J. Restaurants, taverns.
 - K. Motels, hotels.
 - L. Wholesale display and sales rooms and offices.
 - M. Nursery schools and childcare centers.
 - N. Museums.
 - O. Private clubs, lodges or veterans' organizations.
 - P. Public utilities.
 - Q. Medical and dental clinics.
 - R. Printing, publishing and engraving.
 - S. Bakery and catering service.
 - T. Laundries and dry-cleaning establishments.
 - U. Automotive sales, service and repair.
 - V. Contractor shop and storage yard.
 - W. Farm implements and service (sales, service, repair and assembly).
 - X. Freight, terminal and grain elevator.
 - Y. Building materials and storage.
 - Z. Public utilities.
 - AA. Meat locker and processing plant.
 - BB. Storage sheds.
 - CC. Other uses of a similar nature.
2. Permitted Accessory Uses and Structures.
 - A. Uses and structures clearly incidental to the permitted uses.

- B. Storage of merchandise incidental to the permitted principal use.
 - C. Temporary buildings used in conjunction with construction work, provided such buildings are removed promptly upon completion of the construction work.
3. Special Exceptions.
- A. Carnivals, circuses, fairs or road shows.
4. Minimum Lot Area and Width. For single family, two-family and multi-family dwellings, use the Minimum Lot Area and Width Requirements of the R-3 district; otherwise, no minimum requirements for other principal permitted uses.
5. Minimum Yard Requirements.
- A. For single family, two-family and multi-family dwellings, use the Minimum Yard Requirements of the R-3 district.
 - B. For other principal permitted uses within original business district with lots fronting on Main Street, from Railroad Avenue to Broad Street, and on the south side of Railway Avenue and east of Main Street:
 - Front – no minimum requirement.
 - Side – no minimum requirement except, when adjoining an R District, not less than 6 feet, unless separated by a public street.
 - Rear – no minimum requirement, except, for dwelling, not less than 20 feet.
 - C. All other areas of the District excepting the portion within the original business district governed by paragraph B of this subsection:
 - Front – 30 feet.
 - Side – 10 feet, except where adjacent to any R District or street right- of-way 30 feet shall be required.
 - Rear – 30 feet.
6. Maximum Height.
- A. Principal building – 3 stories or 45 feet
 - B. Accessory building – 18 feet or as approved by exception by the Board of Adjustment
7. Minimum Off-Street Parking and Loading Spaces.
- A. Dwellings – 1 parking space for each dwelling unit.
 - B. All other uses – 1 off-street parking or loading space for every 10,000 square feet of floor area or fraction thereof.

Permitted Signs. All signs shall conform to the requirements under Signs, Awning and Canopies of this Code of Ordinances.

165.12 M-1 INDUSTRIAL DISTRICT. The M-1 District is intended and designed to provide areas of the City suitable for commercial and industrial uses and activities, consistent with the existing character of the City. The M-1 District shall be subject to the following regulations:

1. Permitted Principal and Structures.
 - A. Any use permitted in C-1 Commercial District.
 - B. Public or semi-public parks, open spaces, playgrounds, or community buildings.
 - C. Animal hospital, kennels, and pounds.
 - D. Automotive sales, service, or repair.
 - E. Contractor's shop and storage yard.
 - F. Creamery and dairy operation.
 - G. Farm implement sales, service, repair, and assembly.
 - H. Freight terminal and grain elevator.
 - I. Building material sales and storage.
 - J. Railroads and public utilities.
 - K. Wholesaling and warehousing.
 - L. Sheet metal products manufacture.
 - M. Clothing manufacture.
 - N. Bulk storage of petroleum products and liquid fertilizers.
 - O. Brick and clay products manufacture.
 - P. Concrete products and central mixing and proportioning plant.
 - Q. Flour, feed, and grain milling and storage.
 - R. Tool, die, gauge, and machine shops.
 - S. Structural iron and steel fabrication.
 - T. Machinery manufacture.
2. Permitted Accessory Uses and Structures.
 - A. Any use or structure clearly incidental to the permitted uses of this District.
 - B. Temporary buildings used in conjunction with construction work, provided that such buildings are removed promptly upon completion of the construction work.
3. Special Exceptions.
 - A. Carnivals, circuses, fairs, road shows.
4. Minimum Lot Area and Width. For single family, two-family and multi-family dwellings, use the Minimum Lot Area and Width Requirements of the R-3 district; otherwise, no minimum requirements for other principal permitted uses.
5. Minimum Yard Requirements.
 - A. For single family, two-family and multi-family dwellings:
Front – use the Minimum Front Yard Requirements of the R-3 district
Side – use the Minimum Side Yard Requirements of the R-3 district

Rear – use the Minimum Rear Yard Requirements of the R-3 district

B. For other principal permitted uses within original business district with lots fronting on Main Street, from Railroad Avenue to Broad Street, and on the south side of Railway Avenue and east of Main Street:

Front – no minimum requirement.

Side – no minimum requirement, except, when adjoining an R District, not less than 6 feet, unless separated by a public street.

Rear – no minimum requirement, except, when adjoining an R District, not less than 20 feet.

C. Yards (for all other areas of the District excepting the portion within the original business district governed by paragraph B of this subsection):

Front – 30 feet.

Side – 10 feet, except where adjacent to any R District or street right-of-way where 30 feet shall be required.

Rear – 30 feet.

6. Maximum Height:

A. Principal building – 3 stories or 45 feet.

B. Accessory building – 18 feet or as approved by exception by the Board of Adjustment

7. Minimum Off-Street Parking and Loading Spaces.

A. Parking.

(1) Automobiles and farm implement sales, parts, rentals, and service garages – 1 parking space for each 600 square feet of gross floor area.

(2) Bowling alleys – 5 spaces for each lane.

(3) Dwellings – 2 parking spaces per dwelling unit.

(4) Furniture and appliance stores, household equipment, or furniture repair shops – 1 parking space for each 600 square feet of gross floor area.

(5) Hotels, motels, lodging houses – 1 space for each sleeping or living unit.

(6) Manufacturing plants – 1 parking space for each employee on the maximum working shift, plus 1 space for each 2,000 square feet of gross floor area.

(7) Restaurants, taverns and night clubs – 1 parking space for each 150 square feet of gross floor area.

(8) Retail stores, shops, and supermarkets over 2,000 square feet gross floor area – 1 parking space for each 300 square feet of gross floor area.

(9) Retail stores, shops, and supermarkets under 2,000 feet gross floor area – 1 parking space for each 200 square feet of gross floor area.

(10) Theaters, assembly halls, and auditoriums – 1 parking space for each six seats.

(11) Wholesale establishments or warehouses – 1 parking space for each employee, plus 1 space for each 2,000 square feet of gross floor area.

(12) In case of any building, structure or premises, the use of which is not specifically mentioned herein, the provisions for a use that is mentioned, and to

which said use is similar, shall apply.

B. Off-Street Loading. 1 space for each 20,000 square feet of floor area or fraction thereof.

Permitted Signs. All signs shall conform to the requirements under Signs, Awnings and Canopies of this Code of Ordinances.

165.13 NC NEIGHBORHOOD CONSERVATION (OVERLAY) DISTRICT. This overlay district is intended to preserve the character of existing neighborhoods and developments either in existence or under construction at the time of adoption of the Zoning Ordinance. It is designed to prevent these neighborhoods and subdivisions from becoming nonconforming under the terms of the Zoning Ordinance.

This district is also intended to provide for minor in-filling of existing neighborhoods consistent with their zoning and character at the time of enactment of the Zoning Ordinance. The regulations permit future development consistent with existing character. Areas identified as having a stable and fixed character will be allowed to continue to exist and develop under the general regulations governing their design and construction or under the actual plat plans previously approved.

The provisions of Section 165.15 shall govern the uses of structures or land in the NC District. The boundary of the NC District is shown on the Official Zoning Map. The NC District shall overlay only the R-2, C-1, and M-1 zoned areas that are within the boundary of the NC District shown on the Official Zoning Map. Where an NC District boundary line is shown to be immediately adjacent to a zoning district line, that NC District boundary shall be taken to be the same as the zoning district boundary.

165.14 SUPPLEMENTARY DISTRICT REGULATIONS.

1. **Visibility at Intersection.** On a corner lot in any residential district, no fence, wall, hedge, or other planting or structure that will obstruct vision between a height of 2½ and 10 feet above the centerline grades of the intersecting streets shall be erected, placed, or maintained within the triangular area formed by the right-of-way lines at such corner and a straight line joining said right-of-way lines at points that are 25 feet distant from the intersection of the right-of-way lines, and measured along the right-of-way lines.
2. **Minimum Width of Dwelling.** The minimum dimension of the main body of the principal building in any R-E, R-S, R-1, R-2, or R3 District shall not be less than 20 feet.
3. **Accessory Buildings.** No accessory buildings shall be erected on a lot prior to obtaining a construction permit for the lot's principal use. No accessory buildings shall be erected in any required front or side yard and no separate accessory buildings shall be erected within five feet of any main buildings. The maximum floor area of all buildings and impervious surfaces in any R-E, R-S, R-1, R-2, or R3 District shall not exceed 15% of the sum of the rear plus side yard area.
4. **Several Principal Structures on Lot.** In any R-3, C-1, or M-1 District, more than one principal structure housing a permitted principal use may be erected on a single lot; provided, the area, yard, and other requirements of this chapter shall be met for each structure as though it were on an individual lot. In all other districts, only a single Principal Structure is permitted on a lot.
5. **Front yard setback in the R-1, R-2 and R-3 Residential districts shall be not less than that district requirements, except as follows:**
 - A. **Between Existing Buildings.** Where a building is to be erected on a parcel of land that is within 150 feet of existing building on both sides, the minimum front yard shall be the average of the setback yardage of all principal buildings within 150 feet on both sides (excluding any principal building setback yardage of reversed frontage corner lots); or
 - B. **On a Corner Lot Adjacent to Existing Building.** Where a building is to be erected on a parcel of land that is within 150 feet of an existing building on one side only within the same block, such building may be erected as close to the street as the average setback of all buildings located within 150 feet. This provision does not apply to principal building setback yardage for reversed frontage corner lots.
 - C. **Double Frontage.** Where lots have a double frontage, the front yard as required herein shall be provided on both streets.
6. **Height Regulation Exception.** The height limitations contained in this chapter do not apply to belfries, cupolas, chimneys, antennas, water tanks, ventilators, elevator housings, or other structures placed above the roof level and not intended for human occupancy.
7. **Use of Public Right-of-Way.** No portion of the public street or land or alley right-of-way shall be used or occupied by an abutting use of land or structures, or to provide any parking or loading space required by this chapter, or for any other purpose that would obstruct the use or maintenance of the public right-of-way.
8. **Basement Houses.** Inhabited basement houses existing at the time of the effective date hereof shall be completed, framed, and roofed within two years.
9. **Proposed Use Not Covered.** Any proposed use not covered in this chapter as a permitted use or special exception shall be referred to the Planning and Zoning Commission for a recommendation as to the proper district in which such uses should be permitted and this chapter amended before a permit is issued for such proposed use.
10. **Street Frontage Required.** Except as may be permitted herein, no lot shall contain any building used for single-family dwelling purposes unless the lot abuts for at least 20 feet on a

public street, and no lot shall contain any building used for duplex or multiple-family dwelling, commercial or industrial purposes unless the lot abuts for at least 40 feet on a public street.

11. R District Protection. Whenever any permitted M District use abuts an R District, a 10-foot yard shall be maintained on the M District property by the owner between said use and the adjoining lots in any R District. An opaque screen at least 8 feet in height shall be installed and shall be maintained adjacent to all R District boundaries. The screen shall be in line with the front of any adjoining residential structure in any adjoining R District or the front of the proposed commercial structure, whichever is the lesser front yard setback. An opaque screen of 3 feet shall be installed and maintained along each alley line where the premises is across from any R District. The opaque screen need not extend beyond the opaque screen installed along the street side lot line and shall consist of the following:

- A. Wood or masonry walls or fences when constructed of materials that provide openings of less than 50 percent in area of the vertical surface of the wall or fence.
- B. Berms constructed of earthen materials and landscaped.
- C. Plant materials when used as a screen shall consist of compact evergreen plants. They shall be of a kind or used in such a manner so as to provide their screening function within 18 months after planting. The City shall require that screens described in either A or B above shall be installed, if, after 18 months after planting, plant materials have not formed an opaque screen or if an opaque screen is not maintained.

A wall or fence may be combined with the plant materials. However, if such a wall or fence is constructed of materials that provide openings of more than 50 percent in area of the vertical surface of the wall or fence, the plant materials shall be located between the wall or fence, and it shall not be considered a part of the opaque screen and the lot line.

12. Fences and Plantings.

- A. Height, Front Yard. Fences or walls constructed, or hedges planted along the front yard boundaries shall not exceed 4 feet in height. Front yard fences, walls, and hedges four feet in height shall be set back in compliance with front yard requirements for a principal building. Front yard fences, walls, or hedges less than four feet in height shall be no closer than six inches to the lot line.
- B. Height, Rear and Side Yards. Fences, walls, and shrubs planted for hedge purposes enclosing all or any part of the rear yard or along the side yard lot line of any property shall not be more than six feet in height from the main level of the ground at any point. Hedges and shrubs shall be no closer than three feet to any side or back yard lot line. Side yard fences and walls must be constructed on the property line.
- C. Construction. Fences erected along any lot line shall be constructed in such a manner to place all posts, poles, braces and supports on the side of the fence facing the property owned or occupied by the builder of the fence.

165.15 CONFORMANCE.

1. Nonconforming Uses of Land. The lawful use of land upon which no building or structure is erected or constructed which becomes nonconforming under the provisions of this chapter may be continued so long as it remains otherwise lawful, subject to the following provisions:
 - A. No such nonconforming use shall be enlarged or increased or extended to occupy a greater area of land than was occupied when such use became nonconforming under the provisions of this chapter.

- B. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel which was not occupied by such use when it became nonconforming under the provisions of this chapter.
- C. If any such nonconforming use of land ceases for any reason for a period of more than nine (9) consecutive months, any subsequent use of such land shall conform to the district regulations for the district in which such land is located.
2. Nonconforming Uses of Structures. The lawful use of structure, or of a structure and land in combination, which becomes nonconforming under the provisions of this chapter may be continued so long as it remains otherwise lawful, subject to the following provisions.
- D. No existing structure devoted entirely or in part to a use not permitted by this chapter in the district in which it is located, except when required by law, shall be enlarged, extended, reconstructed, moved, or structurally altered, unless the use is changed to a use permitted in the district in which such structure is located.
- E. If no structural alterations are made, any nonconforming use of a structure, or structure and premises, may be changed to another nonconforming use; provided, the Board of Adjustment, by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such a change, the Board of Adjustment may require appropriate conditions and safeguards in accordance with the provisions of this chapter.
- F. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use may not thereafter be resumed.
- G. When a nonconforming use of a structure, or structure and premises in combination, is discontinued or abandoned for nine (9) consecutive months, the structure thereafter shall not be used except in conformance with the regulations of the district in which it is located.
3. Nonconforming Structures. Where a structure becomes nonconforming by reason of restriction on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions.
- A. No such structure may be enlarged or altered in a way that increases its nonconformity.
- B. Should such structure be destroyed by any means to an extent of less than 60 percent of its assessed value, it may be reconstructed providing it is not enlarged, the nonconformity is not increased, and there is no nonconforming use of a structure of land involved.
- C. Should such structure be destroyed by any means to an extent of 60 percent or more of its assessed value at time of destruction, it shall not be reconstructed except in conformity with the provisions of this chapter.
4. Required Repairs for Nonconforming Building. Nothing in this chapter shall be deemed to prevent the restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official, provided that no structural enlargement, extension, alteration, or change shall be made which will increase the degree of nonconformity of such building.
5. Nonconforming Lots. In the NC District on a lot of record at the time of enactment of this section, a single-family dwelling may be established on an unbuilt substandard-sized parcel,

Parking tickets 4-18

Doug Miller <dougmillier5151@yahoo.com>

Thu 4/27/2023 3:36 PM

To: City of Maxwell <cityofmaxwell@hotmail.com>

Deb and Council (by blind cc),

There have been ongoing problems with people parking on the sidewalk on Maxwell Avenue on the west side of the school which does not allow pedestrians to use the sidewalk. Steve and Jodi Gast indicated they have provided license numbers and descriptions of the vehicles to the school on numerous occasions with no results.

I received an email from the superintendent last Wednesday (April 19) questioning if Steve authority to issue parking tickets on behalf of the city. That prompted me to contact Steve who indicated he had written 2 tickets for vehicles blocking the sidewalk.

I made an appointment and stopped at the school last Thursday. The superintendent contended that the tickets were not appropriately issued and therefore are not valid. I responded that if the students feel that way, they should appeal the ticket and ask to be placed on the next city council agenda. This was not an option in the school's eyes and the superintendent indicated he would come to the council instead of the students. Mr. Grandon has requested to be placed on the agenda for Monday.

To me, having alleged offenders appear before the council would be appropriate if they dispute the tickets. If this happened and based on the circumstances, I would recommend the council void the tickets and refund the fines but assure the students that future tickets would be appropriately issued if warranted. How this will end is a council decision. I do not know if the students are going to accompany Mr. Grandon on Monday.

I am sending this to each of you individually so you have a little background on the issue and to remain in compliance with open meeting laws. In my opinion, this is a case where we were likely incorrect in the way tickets were issued, but we would not have needed to do anything had individuals not repeatedly violated the ordinances. It is not a lack of support for the school; rather an emphasis on the need to adhere to the rules and regulations in place.

See you Monday,

Doug

PARKING VIOLATION NOTICE

TO THE OWNER, LESSEE, OR PERSON IN CHARGE OF THE BELOW VEHICLE

LOCATION OF VIOLATION Maxwell St & Douglas Dr

VEHICLE MAKE / MODEL RAM / Laramie

LICENSE MRT 517 STATE IA

PLEASE TAKE NOTICE THAT ON

DATE 4 / 17 / 2023 TIME 9:07 AM

YOU WERE FOUND IN VIOLATION OF:

ORDINANCE # 69.06 (4) parking across sidewalk
BY ILLEGALLY PARKING ON THE STREET

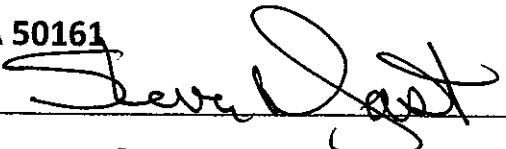
FINE \$ 10.00

ADDITIONAL DESCRIPTION OF VIOLATION:

blocking sidewalk on Maxwell St

THE ABOVE LISTED FINE MUST BE PAID WITHIN THIRTY (30) DAYS TO AVOID FURTHER PENALTY. FAILURE TO PAY WITHIN 30 DAYS OR APPEAL WITHIN 10 DAYS WILL RESULT IN REFUSAL OF THE TREASURER TO RE-NEW VEHICLE REGISTRATION. FOLLOW THE INSTRUCTIONS ON THE REVERSE SIDE. IF MAILING PAYMENT, SEND A CHECK OR MONEY ORDER TO:

**CITY OF MAXWELL
PO BOX 215
MAXWELL, IA 50161**

ISSUING OFFICER 

No. 0102 DATE 4 / 17 / 2023 Vehicle Owner's Copy

PARKING VIOLATION NOTICE

TO THE OWNER, LESSEE, OR PERSON IN CHARGE OF THE BELOW VEHICLE

LOCATION OF VIOLATION Maxwell St & Douglas Dr

VEHICLE MAKE / MODEL Chevrolet/Silverado

LICENSE MEK922 STATE IA

PLEASE TAKE NOTICE THAT ON

DATE 4/17/2023 TIME 9:05 AM

YOU WERE FOUND IN VIOLATION OF:

ORDINANCE # 69.06(4) parking across Sidewalk
BY ILLEGALLY PARKING ON THE STREET

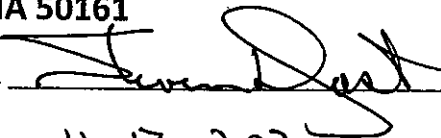
FINE \$ 10.00

ADDITIONAL DESCRIPTION OF VIOLATION:

blocking sidewalk on Maxwell St

THE ABOVE LISTED FINE MUST BE PAID WITHIN THIRTY (30) DAYS TO AVOID FURTHER PENALTY. FAILURE TO PAY WITHIN 30 DAYS OR APPEAL WITHIN 10 DAYS WILL RESULT IN REFUSAL OF THE TREASURER TO RE-NEW VEHICLE REGISTRATION. FOLLOW THE INSTRUCTIONS ON THE REVERSE SIDE. IF MAILING PAYMENT, SEND A CHECK OR MONEY ORDER TO:

**CITY OF MAXWELL
PO BOX 215
MAXWELL, IA 50161**

ISSUING OFFICER 

No. 0101 DATE 4/17/2023 Vehicle Owner's Copy

NOTICE OF INTENT TO FILL MAYOR VACANCY BY APPOINTMENT

TO THE VOTERS OF MAXWELL, IOWA

The Mayor has submitted a resignation to the Maxwell City Council. Pursuant to Section 372.13, (2), (a) of the Code of Iowa, notice is hereby given that the City Council of Maxwell, Story County, Iowa, intends to fill this vacancy by appointment at a City Council Meeting that will be held at City Hall at 6:00 PM on Monday, May 1 2023. However, the electors of the City of Maxwell have the right to file a petition requiring that the vacancy be filled by special election. If electors wish to require a special election, a valid petition requesting a special election must be filed with the City Clerk within fourteen days after publication of this notice or within fourteen days after the appointment is made. If no such petition is filed, appointment shall be for the period until the next pending election as defined in Section 69.12 of the Iowa Code.

Eligible electors of the City of Maxwell, Story County, Iowa, wanting to be considered for appointment should submit a request in writing to the City Clerk's Office by 4:00 PM, April 27, 2023.

Dated: April 18, 2023

Deb Hayes, City Clerk

Agenda

Doug Miller <dougmillier5151@yahoo.com>

Thu 4/27/2023 1:51 PM

To: City of Maxwell <cityofmaxwell@hotmail.com>

Deb,

I am willing to finish the current term of mayor until the election in November if it is the desire of the council. I cannot justify expending city funds of over \$2000 for an election since there is such a short time remaining.

Respectfully Submitted,


Doug Miller

To the Council of Maxwell

I Dale Higgins submit my application for consideration in the Appointment of Mayor in the City of Maxwell. I have twenty plus years of experience with Progressive Responsibility in Administration, Leadership & Law Enforcement. I started My Career in 2001 working for the Greene County Sheriff's Office, then the Jefferson Police Department, The Fort Dodge Correctional Facility and Now @ the Newton Correctional Facility. I graduated from Collins-Maxwell HS in 1998 and Received My Bachelors degree in Public Administration in 2013 from Upper Iowa University. I have been a Resident of Maxwell since 2009 during this time I have Coached Countless Kids in Football, Baseball, Basketball, and Soccer. I have been the Announcer for the Old Settlers Parade for the last several years. I Love my Community and Want to see it Continue on the Best Path Forward into the future. I appreciate the Time and Consideration by the Council and Look Forward to Continuing to serve My Community in any way I Can.

Dale Higgins >
578 Broad St
PO Box 33
Maxwell IA 50161
515-370-7062
dale.higgins@outlook.com

2023 Economic Development Week Proclamation

WHEREAS, economic development professionals are engaged in a wide variety of settings including rural and urban, local, state, and federal governments, public-private partnerships, chambers of commerce, and universities, helping to create and expand jobs that facilitate growth in these regions; and,

WHEREAS, the creation of new opportunities for businesses and entrepreneurs is a one of several key components to securing the City of Maxwell economic future for generations to come; and

WHEREAS, Maxwell is committed to fostering a business-friendly climate that will attract and retain employers, enable the community to grow and remain competitive on a global scale, and generate new jobs and opportunities for our citizens; and

WHEREAS, the Ames Economic Development Commission is committed to providing quality resources that boost economic growth and enhance quality of life throughout Maxwell and Story County;

THEREFORE, I, Doug Miller, Mayor Pro-Tem of the City of Maxwell, do hereby proclaim May 8, 2023 through May 12, 2023, as "ECONOMIC DEVELOPMENT WEEK" in appreciation of all our partners in the economic development field do to make the City of Maxwell the vibrant and thriving community it is today.



Doug Miller
Mayor Pro-Tem

Agenda Item May 1st

Lauryn Myers <lbmyers13@gmail.com>

Tue 4/25/2023 9:32 AM

To: Cityof Maxwell <cityofmaxwell@hotmail.com>; Doug Miller <dougmillers151@yahoo.com>

Hi Deb,

Could you please add an agenda item for the open public works assistant position? If that's what we are calling it.

It will be a discussion and action item on whether or not the position will be full time, part time, job posting, other requirements, etc.

Thanks!

Lauryn

Maxwell Residential Improvement Grant Scoring Rubric

Applicant: _____

Maximum Points = 100

<u>HOUSEHOLD SIZE</u>	<u>POINT VALUE</u>	<u>POINTS AWARDED</u>
6 or more	10	
5	8	
4	6	
3	4	
2	2	
1	1	
<u>ANNUAL RESOURCES</u>		
under \$30,000	10	
\$30,001-\$40,000	8	
\$40,001-&60,000	6	
over \$60,000	4	
<u>ASSETS</u>		
under \$100,000	6	
\$100,000-\$150,000	5	
over \$150,000	0	
<u>PROJECT CATEGORY</u>		
ordinance violation	15	
health/safety	10	
elective	5	
TOTAL POINTS AWARDED =		

CITY OF MAXWELL, IOWA
MAXWELL CITY COUNCIL REGULAR MEETING
MONDAY, APRIL 3, 2023, 6:00 P.M. CITY HALL

1. The meeting was called to order by Mayor Jameson Hudson at 5:00 P.M.
2. Roll call was answered by Steve Gast, Lauryn Myers, Meggen Lawrence, Doug Miller, and Ken Jans. Visitors: Wes Farrand, Tim Meier, Tyler Meier, Brian Carroll, Jayne Underhill, Steve Flickinger, Mitzi DeGroot, Sue Philpott, Rebecca Hasbrouck, Chad Grandon, and Jill Peters.
3. A motion to approve agenda with items 7b & 7h moved after item 5a was made by Gast. Lawrence seconded. 5 ayes.
4. Citizens Forum
 - a. NA
5. Department Reports
 - a. Sheriff Report – Written Report on File. Deputy Lentz was present. There are a lot of scams being reported. The clerk relayed complaints about loud vehicles racing out of town.
 - b. Fire – Written report on file. Sirens went off when testing.
 - c. EMS – Written report on file. Council still needs break out of calls by area.
 - d. Library – Written report on file.
 - e. Public Works – Written report on file. Discussion on Baldwin St and potholes.
 - f. City Clerk – Written report on file. Steve asked questions about current budget and impending amendment.
 - g. Engineer's Report – Written report on file. 1) Baldwin St –This project is in a holding pattern until waterlines and CDBG is decided on. Easement for stormwater still must be negotiated. 2) High School Improvements – Punch list is being worked on. Required parking was discussed. 3) WTP Study- Discharge from the water plant is being analyzed. This will determine how it will be disposed of. 4) Tree Care – A GIS map was created from the list of marked trees. Discussion on how the trees should be broken up for bids. Ken will take map and work on it.
 - h. Parks and Open Spaces Board – No report.
6. Public Hearing
 - a. NA
7. Business
 - a. Discussion and Action on Betterment Award Nominees. – There were 5 nominees. Nominees were George Jones, Rodeo Committee, Jill Peters, Jody & Steve Gast and Thursday Morning Coffee Club. It was decided to choose 1 individual and 1 group as all the nominees were good. Gast moved to nominate George Jones and the Rodeo Committee for the 2022 Betterment Award. Lawrence seconded. 5 ayes.
 - b. Discussion and Action on Poultry Permit for 121 5th Street– Miller moved to accept the poultry permit for 121 5th St. Myers seconded. 5 ayes.
 - c. Discussion and Action on Livestock Permit for 65700 325th Street– Tyler Meier is asking for a livestock permit at 65700 325th Street, He would like 30 calves and 30 goats. mentioned that the land is zoned Industrial and does not allow feed lots in city limits. Discussion on the number of animals for that size of acreage was pursued. Gast moved to not approve the permit. Miller seconded. 3 ayes, 2 nays-Lawrence and Jans Ken asked about approving 13 goats instead. Gast moved to discuss allowing the commercial raising of livestock within city limits at a workshop with Planning and Zoning Board. Lawrence seconded. 5 ayes.

- d. Discussion and Action on Test and Tune Tractor Pull – The Midwest Pullers would like to have a truck pull on May 20th to test and tune their equipment. Gast moved to approve the truck pull. Myers seconded. 5 ayes.
- e. Discussion and Action on Nik's Tippy Trailers Liquor License– There was discussion of location of their bar and seating. Gast moved to approve with a change of address from 2nd Street to 101 Old Settlers Dr. Myers seconded. 5 ayes
- f. Discussion and Action on Dust Control – Gast moved to include all areas from last year's dust control except from Hwy 210 to bridge because of construction. Lawrence seconded. 5 ayes.
- g. Discussion on Twin Homes Ordinance Language – The council looked at ordinances from other cities for verbiage on twin homes. Some of the questions were: do we want a separate zone, what about off-street parking, do we want to add to the current R2 zone. These are questions as well as the Madrid Ordinance that will be taken to the joint workshop with the Planning & Zoning Board.
- h. Discussion and Action on School Accessory Building - There was a lot of discussion on the placement of the accessory building on the Collins-Maxwell track. It was thought to be on the property line or a little over it. Jameson would like to work with the school as it is a public entity as well and leave it where it is. Steve said it would be a terrible injustice to the rest of the city as everyone else is required to prove property lines. Safe Building approved the placement and is not concerned with where it sits. Gast moved that the school locate the property line and ask Safe Building why it was approved with the setbacks given. Miller seconded. 2 yes, 3 nay- Myers, Lawrence, & Jans. Gast moved to reprimand the mayor for exceeding his authority. Motion died for lack of second.
- i. Discussion and Action on Maxwell City Park Rental Agreement with Maxwell's Market in the Park – An amendment to the agreement with the Market in the Park was proposed by the Market in the Park. They would like to drop the number of events held from May to September to the 2nd and 4th Sundays of the month. Gast moved to accept the amendment and authorize the mayor to sign the new agreement. Jans seconded, 5 ayes.

8 Council and Mayor Reports –

- a. Meggen Lawrence – 1) Meggen asked about the project with the sidewalks. The sidewalk on Main St has some parts that could be a tripping hazard. Doug and Meggen volunteered to mark these areas. Wes will provide the standards for marking them.
- b. Doug Miller – Doug asked about the letter that came in the water bill. There was no deadline and would like to know when the application needs to be sent in. Applications and criteria for the loans still need to be established.
- c. Ken Jans- 1) Ken talked about the trees in the right of way and what the city should do about them going forward. Steve said that the city should adopt a policy on how to approve, when to approve and the mixture of trees. 2) Ken asked about the bridge replaced . The 2 bridges will be removed and replaced by 1 bridge.

9. Consent Agenda

- a. Gast moved to accept the March 27 minutes and current bills. Lawrence seconded. 5 ayes.
- b. Gast moved to accept the March 6 minutes. Lawrence seconded 4 ayes. 1 abstain- Jans

c. Bills presented were as follows:

CLAIMS REPORT		
VENDOR	REFERENCE	AMOUNT
ACCESS	MONTHLY PRINTER RENT	\$182.41
AFLAC	AFLAC CANCER	\$226.86
CALDWELL,BRIERLY,& CHALUPA LLC	LEASE, CONFERENCE WITH SNYDER	\$721.50
CENTRAL IOWA DISTRIBUTING, INC	OIL ABSORB PADS,METRO JRT,TWLS	\$309.00
CENTRAL IOWA SHORTLINE LLC	236,672,370,323,745	\$403.39
CHEM-SULT, INC	13238-SODIUMHYPOCHLORITE PHOSP	\$1,443.40
CHEM-SULT, INC	SODIUMHYPOCHLORITE & PHOSPHATE	\$897.80
CONSUMERS ENERGY	RCH ELECTRIC	\$46.50
EMERGENCY MEDICAL PRODUCTS	EMS SUPPLIES	\$342.63
INDEPENDANT PUBLIC ADVISORS	QUARTERLY RETAINER SERVICES	\$2,000.00
IOWA ASSC OF MUNICIPAL UTILITY	2023-24 WATER MEMBER DUES	\$716.00
IOWA DEP OF REVENUE	SALES TAX FEB2023	\$94.77
IOWA DEP OF REVENUE	WET FEB 2023	\$568.11
IOWA FIRE CHIEFS ASSOC	2023 MEMBERSHIP RENEWAL	\$25.00
IOWA PRISON INDUSTRIES	EMS TAHOE DECALS	\$651.53
IOWA REGIONAL UTILITIES ASSOC	RCH WATER	\$319.42
IPERS	IPERS	\$1,802.93
JOHN DEERE FINANCIAL	LINK FOR JD	\$21.18
KARL CHEVROLET	LIGHT & EQUIPMENT INSTALL	\$13,674.78
MAXWELL STATE BANK	FED/FICA TAXES	\$2,529.16
MICROBAC LABORATORIES	NT2301555-SEWER TESTING	\$832.75
MID-AMERICAN RESEARCH CHEMICAL	WIPE-OUT & FOG ELIMINATOR	\$1,376.27
NANCY PRITCHARD	WEBSITE HOSTING	\$203.52
NEW CENTURY FS	GAS & DIESEL	\$454.80
MAXWELL POST OFFICE	stamps	\$252.00
PRATT SANITATION INC	MONTHLY GARBAGE	\$5,240.70
RACOM CORPORATION	KIT,CONVERSION, CH-25 REMOTE	\$595.00
SAFE BUILDING LLC	PERMITS	\$452.91
SNYDER & ASSOCIATES	BALDWIN ST REHAB	\$18,755.00
STAPLES CREDIT PLAN	PAPER,TOWELS, KLEENEX	\$207.14
TRASH CAN DEPOT	10-#TF1150 TRASH RECEPTACLE	\$7,366.46
TREASURER-STATE OF IOWA	STATE TAXES	\$1,031.27
VANCE WHITWER	CUBICLES FOR CITY HALL	\$1,000.00
WINDSTREAM	#091143516-TELEPHONE, INTERNET	\$588.77
Accounts Payable Total		\$65,332.96
Total Paid On: 3/08/23		\$4,187.64
Total Paid On: 3/22/23		\$4,510.11
Total Payroll Paid		\$8,697.75
***** REPORT TOTAL *****		\$74,030.71

Expenses By Fund

03/01/2023-03/31/2023

GENERAL	\$40,065.88
ROAD USE TAX	\$516.57
CAPITAL PRJCT FUND - STRT	\$18,755.00
WATER	\$8,223.29
SEWER	\$6,469.97
TOTAL FUNDS	\$74,030.71

Revenues	1-Mar
001 General	\$24,824.69
110 Road Use Tax	\$5,698.58
112 Employee Benefits	\$242.30
119 Emergency Funds	\$121.94
120 Utility Franchise	\$6,387.27
121 Local Option	\$10,868.88
200 Debt Service	\$1,418.74
600 Water	\$14,022.70
610 Sewer	\$24,945.08
TOTAL FUNDS	\$88,530.18

10. Adjourn. A motion to adjourn the meeting at 8:35 P.M. was moved by Jans Seconded by Myers. 5 ayes

NEXT REGULAR MEETING WILL BE MAY 1, 2023 AT 6:00 P.M.

ATTEST: _____, Clerk _____, Mayor
 Deb Hayes Jameson Hudson

CITY OF MAXWELL, IOWA
MAXWELL CITY COUNCIL SPECIAL MEETING
MONDAY, APRIL 17, 2023, 6:00 P.M. CITY HALL

1. The meeting was called to order by Mayor Pro-Tem Miller at 6:00 P.M.
2. Roll call was answered by Doug Miller, Steve Gast, Ken Jans, and Lauryn Myers. Meggen Lawrence via telephone.
3. A motion to approve the agenda was moved by Lawrence and seconded by Jans. 5 ayes.
4. Citizen Forum
 - a. Sue Philpott- Sue asked about the reason the mayor gave his resignation. Doug explained that it was on the agenda.
5. Public Hearing
 - a. Discussion and Action on Resolution 2023-05 Approve Adoption of Budget and Certification of City Taxes for Fiscal Year 2023-2024 – Jans moved to open the public hearing. Myers seconded. 5 ayes. Sue Philpot asked what changes were made to the budget. Steve explained the different projects and uses of money. Sue asked about money in the budget to fix roads besides Baldwin St. Doug told her that funds are set aside for road repairs. Gast moved to close public hearing. Jans seconded. 5 ayes. Steve moved to accept Resolution 2023-04 A Resolution approving the Adoption of Budget and Certification of City Taxes for Fiscal Year 2023-2024. Myers seconded. 5 ayes. Ken would like to see the money to be spent on the 100 trees to be cut down to be spread out over time.
6. Discussion and Action on Sale of Parcel “E” – Property Adjacent to 210 Railway Ave. – Shawn Carlon would like to buy the land that directly behind his. This land has been through the process to sell, but the purchaser did not follow through. Shawn would like to start a business there as it is in the industrial zoning. Gast moved that the clerk be directed to publish a public hearing for the May meeting to dispose of the property. Myers seconded. 5 ayes.
7. Discussion and action on Resignation and Replacement of Mayor. – Doug read Mayor Hudson’s resignation letter. Gast moved to accept the mayor’s resignation letter. Lawrence seconded. 5 ayes. Steve mentioned that the council should acknowledge it with regret but accept it. Discussion about the procedure for appointing a new mayor took place. Gast moved to direct the clerk to publish the notice of intent to fill the mayor’s vacancy by appointment. Myers seconded. 5 ayes. Citizens can request a special election for the mayor with a petition of 33 signatures within 14 days of publication or 14 days of appointment.
8. Discussion and Action on Owner-Occupied Loan Information – Gast moved to approve the grant application form. Myers seconded. 5 ayes. Will the clerk help people fill it out or will the council members? Doug will ask Greg Pıklapp for support.
9. Discussion and Action on Story County Housing Trust Donation Request – Gast moved to use funds from Economic Development to pay the 2023 request of \$479 as well as \$1,188 for 2024 and authorize the clerk to pay it. Myers seconded. 5 ayes.
10. Adjourn – Jans moved to adjourn. Myers seconded. 5 ayes. 6:53 P.M.

ATTEST: _____, Clerk _____, Mayor Pro Tem
 Debra Hayes Doug Miller

VENDOR NAME	REFERENCE	AMOUNT	VENDOR TOTAL	CHECK#	CHECK DATE
ACCESS	MONTHLY PRINTER RENT		208.41	30247	4/05/23
AFLAC	AFLAC CANCER		226.86	30268	4/19/23
ALLIANT ENERGY	MONTHLY UTILITY BILL	7,417.33		30248	4/05/23
ALLIANT ENERGY	MONTHLY UTILITY BILL	7,254.41	14,671.74	30271	4/19/23
CALDWELL, BRIERLY, & CHALUPA LLC	WATER METER COMPLIANCE/BRIDGE		965.25	30249	4/05/23
CENTRAL IOWA SHORTLINE LLC	#24544-STEEL BALL VALVE, NIPPLE	384.51		30250	4/05/23
CENTRAL IOWA SHORTLINE LLC	#24925-BOLT CUTTERS	839.66	1,224.17	30272	4/19/23
CHEM-SULT, INC	SODIUMHYPOCHLORITE		634.40	30273	4/19/23
CONSUMERS ENERGY	RCH ELECTRIC		46.50	30274	4/19/23
EDISON LIGHTING SUPPLY & DIST	LIGHT BULBS		653.83	30275	4/19/23
FEDERAL SIGNAL CORP-SSG	INSTALLING SIRENS		13,920.00	30251	4/05/23
FIRE SERVICE TRAINING BUREAU	TRAINING FOR R LEWIS, S JOHNSON		215.00	30276	4/19/23
IOWA DEP OF REVENUE	WATER SERVICE EXCISE RETURN	565.57		91971221	4/07/23
IOWA DEP OF REVENUE	SALES & USE RETURN	95.90	661.47	91971222	4/07/23
IOWA REGIONAL UTILITIES ASSOC	RCH WATER		315.84	30252	4/05/23
IPERS	IPERS		1,912.40	30270	4/19/23
LEXIPOL	EMS PLATFORM		334.08	30277	4/19/23
MAXWELL STATE BANK	FED/FICA TAX		2,667.75	30269	4/19/23
MEADE COMPUTING LLC	EMS COMPUTER		225.00	30278	4/19/23
METERING & TECHNOLOGY SOLUTION	LEADS & GASKETS		79.84	30279	4/19/23
MICROBAC LABORATORIES	KEYSTONE INC		435.00	30280	4/19/23
MIDWEST INSURANCE CORP	INSURANCE		56,328.44	30281	4/19/23
NEW CENTURY FS	DIESEL & GAS		442.78	30282	4/19/23
OFFICE OF AUDITOR OF STATE	FILING FEES FOR AUDIT		175.00	30283	4/19/23
PRATT SANITATION INC	MONTHLY GARBAGE		5,074.00	30253	4/05/23
SAFE BUILDING LLC	NUISANCE INSPECTION 312 MAXWEL		131.44	30254	4/05/23
SANDRY FIRE SUPPLY, LLC	2023 ANNUAL SERVICE		1,403.75	30255	4/05/23
SCOTT JOHNSON	CPR CLASS		550.00	30256	4/05/23
STAPLES CREDIT PLAN	TIME CLOCK RIBBON, KEENEX, GLUE		81.34	30257	4/05/23
STORY COUNTY ANIMAL CONTROL	#2273 LAB/COLLIE MIX		45.50	30284	4/19/23
STORY COUNTY HOUSING TRUST	DONATION REQUEST MATCH FUNDS		479.00	30285	4/19/23
STORY COUNTY TREASURER	LAW ENFORCEMENT		13,995.25	30286	4/19/23
U.S. BANK	MOWER BLADES		311.76	30287	4/19/23
US CELLULAR	MONTHLY CELL PHONE		223.95	30258	4/05/23
USABlueBook	#312916-TESTING SUPPLIES		575.80	30288	4/19/23
WINDSTREAM	091143516-TELEPHONE & INTERNET		585.55	30259	4/05/23
ZIEGLER INC	ANALYSIS & HOSE		1,089.70	30260	4/05/23

=====
 Accounts Payable Total 120,890.80

Payroll Checks

001	GENERAL	2,193.39
600	WATER	1,094.12
610	SEWER	1,094.11

 Total Paid On: 4/05/23 4,381.62

001	GENERAL	2,325.83
600	WATER	1,205.56
610	SEWER	1,205.54

CLAIMS REPORT
Vendor Checks: 4/01/2023- 4/28/2023

VENDOR NAME	REFERENCE	AMOUNT	VENDOR TOTAL	CHECK#	CHECK DATE
	Total Paid On: 4/19/23		4,736.93		
	Total Payroll Paid		9,118.55		
	Report Total		130,009.35		

Expenses By Fund

04/01/2023-04/30/2023

GENERAL		\$ 84,888.90
ROAD USE TAX		\$ 829.45
WATER		\$ 17,701.61
SEWER		\$ 26,589.39
TOTAL FUNDS		\$ 130,009.35

Revenues

1-Apr

001 General		\$ 111,746.45
110 Road Use Tax		\$ 9,622.63
112 Employee Benefits		\$ 6,279.63
119 Emergency Funds		\$ 3,188.82
120 Utility Franchise		\$ 9,927.85
121 Local Option		\$ 9,339.17
200 Debt Service		\$ 36,793.56
600 Water		\$ 11,140.30
610 Sewer		\$ 24,279.10
TOTAL FUNDS		\$ 222,317.51