

City of Knoxville
City Council Meeting
Monday, August 1, 2016 at 6:15 p.m.
Municipal Building Council Chambers

1. Call To Order

MEMBERS PRESENT:

Mayor Brian Hatch ____, Council Member Dawn Allspach-Kline ____, Council Member Rick Kingery ____, Council Member James Lane ____, Council Member Cal Stephens ____, Council Member Craig Kelley ____

2. Citizen/Public Comments
Discussion

3. Consent Agenda

3.I. Approve Cigarette Permit Effective August 1, 2016 For The Sweet Leaf

3.II. Approve Class E Liquor License For Fareway Store, Inc.

3.III. Approve Class C Liquor License For Mi Casa Grande

4. Item Agenda

4.I. Swear In Zachary Cupples As A Police Officer

Documents:

[COUNCIL LETTER HIRE CUPPLES.PDF](#)
[OATH OF OFFICE.PDF](#)

4.II. Discussion/Possible Action Regarding 101 S Third Street

4.III. Update On Kiwanis Miracle Playground

Documents:

[KIWANIS.PDF](#)

4.IV. Approve Street Closure Request For August 19, 2016 Iowa State Savings Bank Customer And Community Appreciation Picnic

Documents:

[ISSB PICNIC.PDF](#)

4.V. Discussion/Possible Action To Allow For Collection Of Donations At July 4th Fireworks Event And Provide For Sharing Of Revenue With Knoxville High School Groups As Appropriate

Documents:

[FIREWORKS MEMO.PDF](#)

4.VI. Set A Public Hearing For August 15, 2016 At 6:15 P.m. For Vacation Of An Alley Located Adjacent To 518 E. Madison

- 4.VII. Approve Third Consideration And Adopt An Ordinance Amending The Code Of Ordinances Of The City Of Knoxville, Iowa 2009 By Adding A New Chapter Establishing A Stormwater Utility

Documents:

[ORD 1605 STORMWATER.PDF](#)

- 4.VIII. Approve Payment Of Claims

5. Reports

- A. Mayor's Report
- B. City Manager's Report

6. Adjourn

Motion _____ Second _____
Vote _____ Time _____

Heather Ussery, City Clerk

COUNCIL LETTER
City of Knoxville
August 1, 2016

Agenda Item: Swear in Zachary Cupples as police officer.

Background: The Police Department has one open position. After an evaluation process, Zachary Cupples was determined to be the best candidate for the position.

Zach is a 20-year-old Knoxville High School graduate. Zach is a member of the Iowa National Guard and was previously employed as a prison guard in Newton.

Zach has been assigned to a Field Training Officer to begin his training. This on-the-job training typically lasts 12 weeks. Additionally, Zach will be sent to the Iowa Law Enforcement Academy to complete that 14-week program.

Policy Question: Should the Council accept and swear Zach Cupples in as a police officer?

Budget Impact: This is a budgeted expense.

Recommendation: The Police Chief recommends the swearing in of Zachary Cupples.

Supporting Document: none



OATH OF OFFICE

State of Iowa:

§

Marion County:

I, Zachary Cupples do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Iowa and that I will faithfully and impartially, to the best of my ability, discharge all the duties as a Police Officer for the City of Knoxville, Iowa as now or hereafter required by law.

Zachary Cupples

Subscribed and sworn to before me this 1st day of August, 2016.

Brian Hatch, Mayor



Kiwaniis®

Knoxville “Morning” Kiwanis Club DBA Kiwanis Club of Knoxville

Young’s Park Kiwanis Miracle Playground Committee Members

Ernest A. Smith, Chairman (Lt. Governor) 641-891-7274

Email: ernie.smith.lg.d15@gmail.com

Judy Paulsen (President) 641-842-4660

Gordon Thompson (Secretary/Treasurer) 641-828-7123

Jerry Weldon (Past President) 641-891-4071

Pat Roozeboom (Past President) 641-842-6534

Lew Brent (Past President) 641-842-4434

Ron Henning (Past President) 641-842-5853

Adam Norris (Past President) 641-842-3500

Bruce Roof 641-891-3385

2016 Progress Report Update for the Kiwanis Miracle Playground at Young’s Park, Knoxville, Iowa

Members of the Knoxville Morning Kiwanis Club are proud to report that our playground project for phases one, two and three are now completed. In the fall of 2015, the sidewalks, named bricks, named benches, landscaping, grass seeding and the planting of three large Autumn Glow red maples were all completed.

We are now starting the last of our fundraising efforts on this \$200,000 project. We have raised \$135,000 to date. Moving forward, another \$65,000 is needed for the completion of our playground.

The last phase of our playground is for kids ages 5 to 12. This phase will be twice as large as phase one for the 2 to 5 years olds. This will be more challenging to build and for that reason we are planning to build it in two phases. The first phase will be installing the handicapped ramps and the last phase to complete the project will be the purchasing of the playground equipment and installation.

We will need to raise \$15,000 to fund the handicapped ramps of this final phase. We are working on the sale of named bricks in our patio area. The named bricks are \$150 each, two for \$125 each or three or more for \$100 each.

Composite benches will be placed around the playground area. They are durable and environmentally friendly. A named bench can be purchased for \$1,500. A bench with a logo is \$2,500.

A black granite monument will permanently mark this project as “Young’s Park Kiwanis Miracle Playground.” Engraved on the stone will be the names of those that helped sponsor this project.

- Bronze sponsorship \$500 - \$999
- Silver sponsorship \$1,000 - \$2,499
- Gold sponsorship \$2,500 - \$4,999
- Platinum sponsorship \$5,000 - \$9,999
- Emerald sponsorship \$10,000 - \$19,999
- Diamond sponsorship \$20,000 or more

Starting in November 2015, every Friday night from 6 pm to 9 pm we have had inflatables at the Memorial Hall, 320 E. Robinson St. in Knoxville, IA. We are also open by appointment for private parties every Friday, Saturday and Sunday through April 2016.

All fund-raising efforts by the Knoxville Morning Kiwanis go to the playground project.

We will be applying for several grants again this year. Also planned is a direct mailing campaign with new, updated brochures.

As soon as the funding becomes available we would like to order the next phase of our playground for construction.

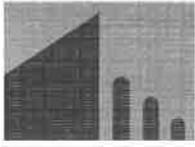
To our joy this playground is being used by many of the children in this community. We also have handicapped children coming from a 50-mile radius of Knoxville. We can be proud that Knoxville, Iowa, in Marion County has the first ADA approved handicapped accessible playground in that 50-mile radius.

We wish to thank all that have given so generously to this wonderful project. We started this in September 2013 and with the help of your donations, are getting close to being able to finish it.

Sincerely,

A handwritten signature in cursive script, appearing to read "Ernest A. Smith". The signature is written in black ink on a white background.

Ernest A. (Ernie) Smith, Lt.Governor – Oct. 1, 2015 - Sept. 30, 2016 and
Chairman Young's Park Kiwanis Miracle Playground Committee
853 - 120th Avenue
Knoxville, IA 50138-8875
Cell phone: 641-891-7274
Email: ernie.smith.lg.d15@gmail.com



Iowa State Savings Bank

222 East Robinson Street • Knoxville, IA 50138

www.issbank.com • hasslefree@issbank.com

641.828.8000 • Fax 641.828.8397

Member FDIC ■

Tuesday, July 26, 2016

To: Aaron Adams, City Manager
Brian Hatch, Mayor
City Council Members

From: David Hoke
Vice President, Marketing
Iowa State Savings Bank

Re: Customer and Community Appreciation Picnic

Greetings,

I'm writing to request a street closure for our annual customer and community appreciation picnic the bank is hosting on Friday, August 19. As we have in recent years, we plan to use Third Street from Robinson down to Montgomery Street corner.

We will be serving from 11:00 am to 1:00 pm. *Please have the street barricades left on the corners the afternoon before so I can put them up early morning on the 21st.* The street should re-open prior to 3:00 pm.

Note...if we get rain or extreme heat, we'll most likely cancel.

I will write a notice to place on the cars that tend to park there each evening to inform them in advance as well.

Thank you for your consideration and be sure to plan your day to join us for some good food and fun with your friends at Iowa State Savings Bank.

Regards,

Dave

COUNCIL LETTER
CITY OF KNOXVILLE
August 1, 2016

AGENDA ITEM: Allow for collection of donations at July 4th Fireworks event and provide for sharing of revenue with Knoxville High School Groups as appropriate. Staff seeks formal approval from council to continue an historic agreement of working with Knoxville schools to raise funds for high school activities and fund future firework displays.

BACKGROUND: Historically the Fireworks Committee had various booster groups from Knoxville High School collect donations toward payment for the next year's show, and shared those collections with groups who volunteered during the event.

POLICY QUESTION: Should the City continue these fundraising efforts and continue the relationship with various booster groups to accomplish this?

BUDGET IMPACT: This year's collections totaled \$1,521.23. Under the historic agreement, this would mean half for the booster club and half used toward next year's fireworks.

RECOMMENDATION: Staff recommends a continuation of the historic agreement allowing for funding of future firework displays and fundraising for activities at Knoxville High School.

ORDINANCE NO.16-05

ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF KNOXVILLE, IOWA,
2009, BY ADDING A NEW CHAPTER ESTABLISHING A STORMWATER UTILITY

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF KNOXVILLE, IOWA:

Section 1. The Code of Ordinances of the City of Knoxville, Iowa, 2009, is hereby amended by adding a new Chapter 10, entitled Stormwater Utility, which is hereby adopted to read as follows:

CHAPTER 10

STORMWATER UTILITY

SECTION:

- 10-1-1: Purpose and Objective.
- 10-1-2: Creation of Stormwater Management and Drainage Systems Utility.
- 10-1.3: Definitions.
- 10-1-4: Funding the Stormwater Management and Drainage Systems Utility.
- 10-1-5: Stormwater Management and Drainage Systems Utility Budget.
- 10-1-6: Rate Structure and Stormwater Service Charge.
- 10-1-7: Powers of Director of Public Works.
- 10-1-8: Powers and Duties of the City.
- 10-1-9: Scope of Responsibility for the Drainage Systems.
- 10-1-10: Requirements for On-Site Stormwater Systems, Enforcement and Inspections.
- 10-1-11: Right to Appeal.
- 10-1-12: Billing and Collections.
- 10-1-13: Adjustments to Stormwater Service Charges.
- 10-1-14: Exemptions and Credits Applicable to Stormwater Service Charges.

10-1-1: Purpose and Objective.

(a) The purpose of this Article is to establish a policy and procedure for managing and controlling the quantity and quality of stormwater runoff, within the city limits of Knoxville, Iowa. The management shall include the establishment of a stormwater utility to provide revenues for whatever aspects of this requirement are deemed appropriate by the City.

(b) The city finds, determines and declares that the stormwater drainage system provides benefits and services to all property within the city limits. Such benefits include, but are not limited to: the provision of adequate systems for collection, conveyance, detention, treatment and release of stormwater for quality and quantity management that minimize impacts on receiving waters.

(c) In order to manage additions and improvements to the city stormwater systems, the City must have adequate and stable funding for its stormwater management program operating and capital investment needs.

10-1-2: Creation of a Stormwater Management and Drainage Systems Utility.

(a) The function of the Stormwater Management and Drainage Systems Utility [hereinafter referred to as “stormwater utility”] within the Public Works Department is to provide for the safe and efficient capture of stormwater runoff, mitigate the damaging effects of stormwater runoff, correction of stormwater problems, to fund activities of stormwater management, and include design, planning, regulations, education, coordination, construction, operations, maintenance, inspection and enforcement activities.

(b) There is hereby established a stormwater utility within the City of Knoxville, Iowa which shall be responsible for creating revenue for stormwater management throughout the City’s corporate limits, and shall provide for the management, protection, control, regulation, use, and enhancement of stormwater systems and facilities. Such utility shall be under the operational direction of the Public Works Director. The corporate limits of the City, as increased from time to time, shall constitute the boundaries of the stormwater utility district.

(c) The City shall establish a Stormwater Utility Fund in the City budget and accounting system, separate and apart from its General Fund, for the purpose of dedicating and protecting all funding applicable to the purposes and responsibilities of the utility.

10-1-3: Definitions.

“City” City of Knoxville

“Adjustment” means a modification in a nonresidential customer’s stormwater service fee for certain activities that impact stormwater runoff or impact the City’s costs of providing stormwater management.

“Director” means the director of the Stormwater Utility.

“Detached Dwelling Unit” shall mean developed land containing one structure which is not attached to another dwelling and which contains one or more bedrooms, with a bathroom and kitchen facilities, designed for occupancy by one family. Detached dwelling units may include houses, manufactured homes, and mobile homes located on one or more individual lots or parcels of land.

“Equivalent Residential Unit” (ERU) shall mean the average impervious area of a detached dwelling unit property within the City, and shall be used as the basis for determining stormwater service charges to detached dwelling unit properties. 3,034 square feet shall be equivalent to 1 ERU.

“ERU Rate” The dollar value periodically determined and assigned to each ERU as a charge for stormwater management services, expressed as \$6.00 per ERU.

“Impervious Area” The number of square feet of hard-surfaced areas which either prevent or resist the entry of water into soil surface, as it entered under natural conditions as undeveloped property, and/or cause water to run off the surface in greater quantities or at an increased rate of flow from that present under natural conditions as undeveloped property. This includes but is not limited to roofs, roof extensions, patios, porches, driveways, sidewalks, pavement, athletic courts, and semi-impervious surfaces such as gravel which are used as driveways or parking lots.

“Occupant” shall mean the person residing or doing business on the property. In a family or household situation, the person responsible for the obligation imposed shall be the adult head of the household. In a shared dwelling or office situation, the adult legally responsible for the management or condition of the property shall be responsible.

“Owner” shall mean the legal owner(s) of record as shown on the tax rolls of City of Knoxville, except where there is a recorded land sale contract, the purchaser thereunder shall be deemed the owner.

“Stormwater” means stormwater runoff, snowmelt runoff, and surface runoff and drainage.

“Storm Sewer” means a sewer, which carries stormwater, surface runoff, street wash waters, and drainage, but which excludes sanitary sewage and industrial wastes, other than permitted discharges.

“Service Charges” shall mean the periodic rate, fee or charge applicable to a parcel of developed land, which charge shall be reflective of the service provided by the City of Knoxville stormwater utility. Service charges are based on measurable parameters which influence the stormwater utility’s cost of providing services and facilities, with the most important factor being the amount of impervious area on each parcel of developed land.

“Stormwater Drainage System” means all man-made facilities, structures, and natural watercourses owned by the City of Knoxville, used for collection and conducting stormwater to, through, and from drainage areas to the points of final outlet including, but not limited to, any and all of the following: conduits and appurtenant features, canals, creeks, catch basins, ditches, streams, gullies, ravines, flumes, culverts, siphons, streets, curbs, gutters, dams, floodwalls, levees, and pumping stations.

“Stormwater Management” means the tasks required to control stormwater runoff using stormwater management systems, to protect the health, safety, and welfare of the public, and comply with relevant state and federal regulations.

“Stormwater Management Systems” address the issues of drainage management (flooding) and environmental quality (pollution, erosion, and sedimentation) of receiving rivers, streams, creeks, lakes, ponds, and reservoirs through improvements, maintenance, regulation and funding of plants, works, instrumentalities and properties used or useful in the collection, retention, detention, and treatment of stormwater or surface water drainage.

“Stormwater Utility” means the utility established under this Section for the purpose of managing stormwater and imposing charges for the recovery of costs connected with such stormwater management.

“Surface Water” means water bodies and any water temporarily residing on the surface of the ground including lakes, reservoirs, rivers, ponds, streams, puddles, channelized flow and runoff.

“Undeveloped Property” describes land in its unaltered natural state or which has been modified to such minimal degree as to have a hydrologic response comparable to land in an unaltered natural state shall be deemed undeveloped. Undeveloped land shall have minimal concrete pavement, asphalt, or compacted gravel surfaces or structures which create an impervious surface.

“Water Course” A natural overland route through which water passes, including drainage courses, streams, creeks, and rivers.

Additional Definitions

These definitions are not found in this model ordinance but could be added to local ordinances when needed to clarify the meaning of specific words.

“Developed Agricultural Properties” means a lot or parcel of real estate used as a “farm,” which may contain one or greater dwelling units and/or other building structures but does not include undeveloped properties.

“Developed Property” means property altered from its natural state by the construction or installation of a structure or more than [INSERT AMOUNT OF IMPERVIOUS SURFACE] feet of impervious surface thus increasing the amount of rainwater or surface water runoff.

“Exempt Property” includes public streets, alleys and sidewalks; all undeveloped properties.

“Ground Water” means sub-surface water or water stored in pores, cracks, and crevices in the ground below the water table.

“Nonresidential properties” means all properties not encompassed by the definition of residential shall be defined as nonresidential. Nonresidential properties shall include: apartment building properties; condominiums properties; mobile home parks; commercial property; industrial property; institutional

property; governmental property; churches; hospitals; schools; transient rentals; parking lots; federal, state and local properties; and any other property not mentioned in the lists of properties.

“Residential Property” means all single-family and duplex properties within the City of Knoxville.

“Stormwater Facilities” means various stormwater and drainage works that may include inlets, pipes, pumping stations, conduits, manholes, energy dissipation structures, stream channels, outlets, retention/detention basins, infiltration practices and other structural components.

“User” means the owner and/or occupant of any developed property within the limits of the City of Knoxville, and shall mean any person who uses property which maintains connection to, discharges to, or otherwise receives services from the City for stormwater management. The occupant of any habitable property is deemed the user. If the property is not occupied, then the owner shall be deemed the user.

10-1-4: Stormwater Utility Fund.

(a) Funding for the stormwater utility’s activities may include, but are not limited to: stormwater service charges; stormwater permits and inspection fees; other funds or income obtained from federal, state, local, and private grants, or loans.

(b) All service charges and all sources of revenue generated by or on behalf of the stormwater utility shall be deposited in a stormwater utility fund and used exclusively for management of the stormwater utility.

10-1-5: Stormwater Utility Budget.

The City shall adopt an operating and capital budget for the stormwater utility each fiscal year. The budget shall set forth revenues for such fiscal year and estimated expenditures for operations, maintenance, improvements, replacement and debt service.

10-1-6: Rate Structure and Stormwater Service Charge.

Any property, lot, parcel of land, building or premises that is tributary directly or indirectly to the stormwater system of the city, shall be subject to a charge based upon the quantity of impervious area situated thereon. This charge is not related to the water and/or sewer service and does not rely on occupancy of the premises to be in effect. All properties having impervious area within the City of Knoxville will be assigned an equivalent residential unit (ERU) or a multiple thereof, with all properties having any impervious area receiving at least one ERU, which shall be considered the base rate.

Establishment of Equivalent Residential Unit (ERU) rate and stormwater utility charge¹:

¹ The rate information provided is to be used as general guidance. Each community must evaluate their billing infrastructure and program needs and establish rates accordingly.

1. For the purpose of this Ordinance, an ERU is equivalent to 3,034 of impervious area.

2. Determination of Stormwater Utility Fee.

a. The stormwater utility fee for single-family residential shall be 100% of the ERU rate.

The rate shall be set at \$6 per month.

The monthly rate for each fiscal year thereafter shall be determined by resolution of the city council prior to July 1st of each year.

b. The stormwater utility fee for multi-family residential shall be set at \$3 per unit per month.

The monthly rate for each fiscal year thereafter shall be determined by resolution of the city council prior to July 1st of each year.

c. The stormwater utility fee for school and church/religious properties shall be set at \$6/ERU/month:

Monthly charges for a commercial account shall not exceed \$35 per month.

The monthly rate based for each fiscal year thereafter shall be determined by resolution of the city council prior to July 1st of each year.

The number of ERUs on each property shall be determined by the stormwater utility.

OR, A base rate of one ERU plus \$6 multiplied by the numerical factor obtained by dividing the total impervious area of the property by the number of square feet in one ERU.

d. The stormwater utility fee for commercial properties shall be set at \$6/ERU/month:

Monthly charges for a commercial account shall not exceed \$100 per month.

The monthly rate based for each fiscal year thereafter shall be determined by resolution of the city council prior to July 1st of each year.

The number of ERUs on each property shall be determined by the stormwater utility.

OR, A base rate of one ERU plus \$6 multiplied by the numerical factor obtained by dividing the total impervious area of the property by the number of square feet in one ERU.

e. The stormwater utility fee for industrial properties shall be set at \$6/ERU/month:

Monthly charges for a commercial account shall not exceed \$200 per month.

The monthly rate based for each fiscal year thereafter shall be determined by resolution of the city council prior to July 1st of each year.

The number of ERUs on each property shall be determined by the stormwater utility.

OR, A base rate of one ERU plus \$6 multiplied by the numerical factor obtained by dividing the total impervious area of the property by the number of square feet in one ERU.

10-1-7: Powers of Director of the Stormwater Utility.

Stormwater service charges incurred pursuant to this ordinance may be collected by the stormwater utility director or designee who is also responsible for the regulation, collection, rebating and refunding of such stormwater charges.

10-1-8: Powers and Duties of the City.

The City shall have the following powers, duties, and responsibilities with respect to the stormwater utility:

- (a) Administer the design, construction, maintenance and operation of the utility system, including capital improvements designated in the comprehensive drainage plan.
- (b) Acquire, construct, lease, own, operate, maintain, extend, expand, replace, clean, dredge, repair, conduct, manage, and finance such facilities, operations, and activities, as are deemed by the City to be proper and reasonably necessary for a system of storm and surface water management. These facilities may include, but are not limited to, surface and underground drainage facilities, storm sewers, watercourses, ponds, ditches, and such other facilities relating to collection, runoff, treatment and retention as will support a stormwater management system.
- (c) The City shall separately account for the stormwater utility finances. The stormwater utility shall prepare an annual budget, which is to include all operation and maintenance costs and costs of borrowing. The budget is subject to approval by the City Council. Any excess of revenues over expenditures in a year shall be retained in a segregated fund, which shall be used for stormwater utility expenses in subsequent years. Stormwater utility fees collected shall be deposited in the stormwater utility fund and shall be used for no other purpose.

10-1-9: Responsibility for the Stormwater Management and Drainage System.

(a) The City stormwater management and drainage system consists of all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage ways, channels, ditches, swales, storm sewers, culverts, inlets, catch basins, pipes, head walls and other structures, natural or man-made, within the political boundaries of the City of Knoxville which control and/or convey stormwater through which the City intentionally diverts surface waters from its public streets and properties. The City owns or has legal access for purposes of operation, maintenance and improvements to those segments of this system which

- (1) are located within public streets, rights-of-way, and easements;
- (2) are subject to easements of rights-of-entry, rights-of-access, rights-of-use, or other

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permanent provisions for adequate access for operation, maintenance, and/or improvement of systems and facilities; or

- (3) are located on public lands to which the City has adequate access for operation, maintenance, and/or improvement of systems and facilities. Operation and maintenance of stormwater systems and facilities which are located on private property or public property not owned by the City of Knoxville and for which there has been no public dedication of such systems and facilities for operation, maintenance, and/or improvement of the systems and facilities shall be and remain the legal responsibility of the property owner.

(b) It is the intent of this section to protect the public health, safety and general welfare of all properties and persons in general, but not to create any special duty or relationship with an individual person or to any specified property within or without the boundaries of the City of Knoxville. The City of Knoxville expressly reserves the right to assert all available immunities and defenses in any action seeking to impose monetary damages upon the City, its officers, employees and agents arising out of any alleged failure or breach of duty or relationship as may now exist or hereafter be created.

10-1-10: Requirements for On-site Stormwater Systems, Enforcement and Inspections.

(a) All property owners and developers of developed real property within the City of Knoxville shall provide, manage, maintain, and operate on-site stormwater systems sufficient to collect, convey, detain, and discharge stormwater in a safe manner consistent with all City, State, and Federal laws and regulations.

(b) Pursuant Iowa Code Section 364.12(3) or successor section of the State Code, any failure to meet this obligation may constitute a nuisance and may be subject to an abatement action filed by the City. In the event a nuisance is found to exist, which the owner fails to properly abate within such reasonable time as allowed by the City, the City may enter upon the property and cause such work as is reasonably necessary to be performed, with the actual cost thereof assessed against the owner in the same manner as a tax levied against the property. The City shall have the right, pursuant to the authority of this section, for its designated officers and employees to enter upon private and public property owned by entities other than the City, upon reasonable notice to the owner thereof, to inspect the property and conduct surveys and engineering tests thereon in order to assure compliance.

10-1-11: Right to Appeal.

Any customer who believes the provisions of this chapter have been applied in error may appeal in the following manner:

- (a) An appeal must be filed in writing with the City of Knoxville City Manager. In the case of service charge appeals, the appeal shall include a survey prepared by a registered Iowa land surveyor or

professional engineer containing information on the total property area, the impervious surface area and any other features or conditions which influence the hydrologic response of the property to rainfall events.

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- (b) Using the information provided by the appellant, the City Manager shall conduct a technical review of the conditions on the property and respond to the appeal in writing within thirty (30) days.
- (c) In response to an appeal, the City Manager may adjust the stormwater service charge applicable to a property in conformance with the general purpose and intent of this chapter.
- (d) A decision of the City Manager which is adverse to an appellant may be further appealed to the City Council within thirty (30) days of receipt of notice of the adverse decision. Notice of the appeal shall be served on the City Council by the appellant, stating the grounds for the appeal. The City Council shall schedule a public hearing within thirty (30) days. All decisions of the City Council shall be served on the appellant by registered mail, sent to the billing address of the appellant.
- (e) All decisions of the City Council shall be final.

10-1-12: Billing and Collection.

- (a) A storm water service charge bill may be sent through the United States mail or by alternative means, notifying the customer of the amount of the bill, the date the payment is due, and the date when past due. Failure to receive a bill is not justification for non-payment. Regardless of the party to whom the bill is initially directed, liability for payment of the stormwater management charge attributable to that property shall be joint and several as to the owner and occupant.
- (b) All comprehensive stormwater service charges are due and payable thirty days after the date of billing.
- (c) A penalty of five percent shall be added to a comprehensive stormwater service charge when the charge is not paid in said thirty days.

OR A one and one-half percent (1.5%) per month late charge shall be billed based on the unpaid balance of any storm water utility service charge that becomes delinquent.

OR Each stormwater service charge rendered under or pursuant to this chapter is hereby made a lien upon the corresponding lot, parcel of land, building or premises that are tributary directly or indirectly to the stormwater system of the city, and, if the same is not paid within sixty days of invoice date, it shall be certified to the county treasurer, who shall place a lien on said property as allowed by law and be collected in the same manner as property taxes.

- (d) Certification. The director shall certify to the City Clerk any comprehensive stormwater service charge, which is owed after a sixty-day payment period. All certified service charges constitute a lien upon the premises served by the stormwater system for which the service charges were made and shall

be collected in the same manner as property taxes. Failure to send or receive a bill for comprehensive stormwater service charge is not a defense to the collection of the service charges.

(e) Suits for collection shall be commenced by the City in the Iowa District Court for Marion County. No lien shall be imposed for delinquent collections unless a judgment is first obtained from a

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court of competent jurisdiction. The City may employ any lawful means to collect funds owed, and is not restricted to filing a lawsuit.

(f) The stormwater utility service charge may be billed on a common statement and collected along with other city utility services, usually on a quarterly basis.

10-1-13: Adjustments to Stormwater Service Charges.

Increase adjustments (debit) can be made to nonresidential service charges by property owners adding additional impervious area such as rooftops, parking lots, driveways and walkways.

10-1-14: Exemptions and Credits Applicable to Stormwater Service Charges.

All public or private property shall be subject to stormwater utility service charges except as provided in this Ordinance below. A stormwater utility service charge formula is available in the office of the stormwater utility. The following areas are exempt from stormwater utility service charges:

1. Undeveloped property as defined in this Ordinance.
2. Streets, alley ways, and highways in the public and private domain are exempt from utility service charges or connection fees.
3. Railroad rights-of-way (tracks) shall be exempt from stormwater service charges. However, railroad stations, maintenance buildings, or other developed land used for railroad purposes shall not be exempt from storm water service charges.

SECTION 2. REPEALER. All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 3. SEVERABILITY CLAUSE. If any section, provision or part of this Ordinance shall be adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole or any section, provision or part thereof not adjudicated invalid or unconstitutional.

SECTION 4. WHEN EFFECTIVE. This Ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

PASSED by the City Council this _____ day of _____, 2016, and APPROVED this _____ day of _____, 2016.

ATTEST:

Brian J. Hatch, MAYOR

Heather Ussery, CITY CLERK